

## RECEIVED

2007 MAY -8 P 3: 35

EDDIE R. HACKETT, CLK.  
11th DISTRICT COURT  
MOBILE DISTRICT, ALA.

) CIVIL ACTION NO.  
) 1:06-CV-898-MEF

)


)

## )

2. Attached as Exhibits A, B, and C are the 15<sup>1</sup> Rule 32 petitions filed by Stevenson and the state court orders addressing those petitions. Exhibit A contains the record in Houston County CC-2002-165.60 and CC-2002-1166.60 thru 1170.60 (CR-03-0200). Exhibit B contains the record in Houston County CC-2002-165.61 and CC-2002-1166.61 thru 1170.61 (CR-04-1992). Exhibit C contains the record in Houston County CC-2002-165.62 and CC-2002-1166.62 thru 1170.62 (CR-05-0321).

Respectfully submitted,

Troy King  
Attorney General  
By-

A handwritten signature in cursive script, appearing to read "John M. Porter", is written over a horizontal line.

John M. Porter  
Assistant Attorney General


---

<sup>1</sup> In its October 31, 2006 order, this Court refers to five Rule 32 petitions filed by Stevenson. As indicated in the Alacourt.org case action summary sheets in the State's initial submission, however, Stevenson has filed three series of Rule 32 petitions addressing five convictions each.

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of May, 2007, I served a copy of the foregoing on Stevenson, by placing the same in the United States Mail, first class, postage prepaid and addressed as follows:

Douglas E. Stevenson  
AIS 228063 – 7-B-48  
Easterling Correctional Facility  
200 Wallace Drive  
Clio, AL 36017

  
\_\_\_\_\_  
John M. Porter  
Assistant Attorney General

#### **ADDRESS OF COUNSEL:**

Office of the Attorney General  
Criminal Appeals Division  
11 South Union Street  
Montgomery, AL 36130  
(334) 242-7300

263576

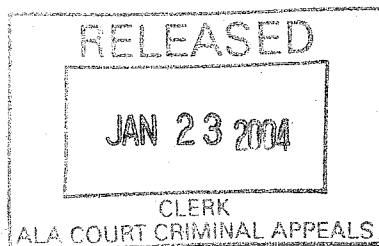
Notice: This unpublished memorandum should not be cited as precedent. See Rule 54, Ala.R.App.P. Rule 54(d), states, in part, that this memorandum "shall have no precedential value and shall not be cited in arguments or briefs and shall not be used by any court within this state, except for the purpose of establishing the application of the doctrine of law of the case, res judicata, collateral estoppel, double jeopardy, or procedural bar."

## Court of Criminal Appeals

State of Alabama  
Judicial Building, 300 Dexter Avenue  
P. O. Box 301555  
Montgomery, AL 36130-1555

Porter  
60687

H.W."BUCKY" McMILLAN  
Presiding Judge  
SUE BELL COBB  
PAMELA W. BASCHAB  
GREG SHAW  
A. KELLI WISE  
Judges



Lane W. Mann  
Clerk  
Wanda K. Ivey  
Assistant Clerk  
(334) 242-4590  
Fax (334) 242-4689

### MEMORANDUM

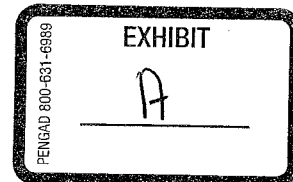
CR-03-0200

Houston Circuit Court CC-02-165.60,  
CC-02-1166.60, CC-02-1168.60,  
CC-02-1169.60, and CC-02-1170.60

Douglas Edward Stevenson v. State of Alabama

Baschab, Judge.

On March 11, 2003, pursuant to a negotiated agreement, the appellant pled guilty to one count of second-degree receiving stolen property and four counts of second-degree criminal possession of a forged instrument. The trial court sentenced him, as a habitual offender, to serve concurrent terms of 15 years in prison on each conviction. See §13A-5-9(c)(1), Ala. Code 1975. The appellant did not appeal his convictions. On September 9, 2003, he filed a Rule 32 petition, challenging his convictions. After the State responded, the circuit court summarily denied the petition. This appeal followed.





I.

The appellant argues that his sentences exceed the maximum authorized by law. Specifically, he contends that the trial court improperly sentenced him as a habitual offender because "[t]he record is totally silent as to [him] having any prior felony convictions for the purpose of the Habitual Offender Act." (Appellant's brief at p. 1.) However, the transcript of the guilty plea proceedings indicates that the appellant admitted that he had at least three prior felony convictions and that he understood that the sentences he had negotiated were based on application of the Habitual Felony Offender Act. Therefore, the appellant's argument is without merit.

II.

The appellant also argues that the State did not give notice of its intent to proceed pursuant to the Habitual Felony Offender Act. This claim is precluded because he could have raised it at trial and on direct appeal, but did not. See Rule 32.2(a)(3) and (5), Ala. R. Crim. P. Therefore, the appellant is not entitled to relief in this regard.

Because the appellant's claims were without merit or precluded, the circuit court properly summarily denied his petition. See Rule 32.7(d), Ala. R. Crim. P. Accordingly, we affirm the circuit court's judgment.

**AFFIRMED.**

McMillan, P.J., and Cobb, Shaw, and Wise, JJ., concur.

COURT OF CRIMINAL APPEALS No. CR-03-0200

**APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS**

**FROM**

**CIRCUIT COURT OF** HOUSTON **COUNTY, ALABAMA**

**CIRCUIT COURT NO.** CC-2002-165.60, CC-2002-1166.60 thur

**CIRCUIT JUDGE** Edward Jackson

1170.60

**Type of Conviction / Order Appealed From:** Rule 32

**Sentence Imposed:** Petition Denied

**Defendant Indigent:** ☒ YES ☐ NO

Douglas Edward Stevenson

**NAME OF APPELLANT**

Pro - Se ALS # 228063

(Appellant's Attorney)

(Telephone No.)

P. O. Box 10

(Address)

Clio,

Alabama

36017

(City)

(State)

(Zip Code)

**V.**

**STATE OF ALABAMA**

**NAME OF APPELLEE**

(State represented by Attorney General)

**NOTE: If municipal appeal, indicate above, and enter  
name and address of municipal attorney below.**

**(For Court of Criminal Appeals Use Only)**

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ACR0372 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000165.60  
 OPER: STW CASE ACTION SUMMARY  
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 09/10/2003  
 THE CIRCUIT COURT OF HOUSTON JUDGE: SEJ

STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD  
 EASTERLING CORR. FAC.  
 P. O. BOX 10  
 CLIQ, AL 36017 0000

CASE: CC 2002 000165.60

DOB: 04/25/1957 SEX: M RACE: B HT: 5 08 WT: 180 HR: BLK EYES: BRO  
 SSN: 077506735 ALIAS NAMES:  
 CHARGE01: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001  
 OFFENSE DATE: AGENCY/OFFICER:

DATE WAR/CAP ISS: DATE ARRESTED:  
 DATE INDICTED: DATE FILED: 09/09/2003  
 DATE RELEASED: DATE HEARING:  
 BOND AMOUNT: \$4.00 SURETIES:

DATE 1: DESC: TIME: 0000  
 DATE 2: DESC: TIME: 0000

TRACKING NOS:

DEF/ATY:

TYPE:

TYPE:

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00000

PROSECUTOR:

OTH CSE: 00000000000000000000 CHK/TICKET NO: GRAND JURY:  
 RT REPORTER: SID NO: 0000000000  
 STATUS: JAIL DEMAND: Y OPER: STW

DATE ACTIONS, JUDGEMENTS, AND NOTES

9-9-03 Filed Petition for Rule 32 per Judge's Order.

9-23-03 Motion for Summary Disposition.

9/26/03 Cont. reports to transcript at least the portions of the  
 plea colloquy dealing with Hald. Off. Act & P. 32.  
 (probably first) 3-4 pages. [Signature]

9/30/03 Def's Petition is denied as he has failed to state  
 affirm. It is alleged that the report does not reflect  
 his prior conviction is contrary to his admission by  
 same on page 4 of the Cont. Reports Transcript.  
 10-8-03 [Signature]  
 N. Dgt. DA.

10-17-03 Filed Notice of Appeal.

10/22/03 - Free Transcript ordered.

11-6-03 N. Dgt.

Edward Jackson, Judge

11-6-03 Mailed Clerk's Notice of Appeal to CCA, AG, DA, Deft.

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ACR0372 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 001166.60  
 OPER: STW CASE ACTION SUMMARY  
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 09/10/2003  
 THE CIRCUIT COURT OF HOUSTON JUDGE: SEJ

STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD  
 CASE: CC 2002 001166.60 EASTERLING CORR. FAC.  
 P. O. BOX 10  
 CLIQ, AL 36017 0000

DOB: 04/25/1957 SEX: M RACE: B HT: 5 08 WT: 180 HR: BLK EYES: BRO  
 SSN: 077506735 ALIAS NAMES:  
 CHARGE01: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F @: 001  
 OFFENSE DATE: AGENCY/OFFICER:

DATE WAR/CAP ISS: DATE ARRESTED:  
 DATE INDICTED: DATE FILED: 09/09/2003  
 DATE RELEASED: DATE HEARING:  
 BOND AMOUNT: \$1.00 SURETIES:

DATE 1: DESC: TIME: 0000  
 DATE 2: DESC: TIME: 0000

TRACKING NOS:

DEF/ATY:

TYPE:

TYPE:

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PROSECUTOR:

OTH CSE: 000000000000 CHK/TICKET NO: GRAND JURY:  
 RT REPORTER: SID NO: 0000000000  
 STATUS: JAIL DEMAND: Y OPER: STW

DATE ACTIONS, JUDGEMENTS, AND NOTES

9-9-03	Filed Petition for Rule 32 per Judge's Order.
9-23-03	Motion for Summary Disposition.
9-26-03	See Order 02-165
10/2/03	See Order CC 02 165
10-8-03	N: Dept. EA.
10-17-03	Filed Notice of Appeal.
10/27/03	Free Transcript Ordered.
	N: Dept

11-6-03 Mailed Clerk's Notice of Appeal to CCA, AG, DA, Deft.

ACR0372 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 001168.60  
 OPER: STW CASE ACTION SUMMARY  
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 09/10/2003  
 =====  
 THE CIRCUIT COURT OF HOUSTON JUDGE: SEJ

STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD  
 CASE: CC 2002 001168.60 EASTERLING CORR. FAC.  
 P. O. BOX 10  
 CLID, AL 36017 0000

DOB: 04/25/1957 SEX: M RACE: B HT: 5 08 WT: 180 HR: BLK EYES: BRO  
 SSN: 077506735 ALIAS NAMES:  
 =====  
 CHARGE01: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001  
 OFFENSE DATE: AGENCY/OFFICER:

DATE WAR/CAP ISS: DATE ARRESTED:  
 DATE INDICTED: DATE FILED: 09/09/2003  
 DATE RELEASED: DATE HEARING:  
 BOND AMOUNT: \$ .00 SURETIES:

DATE 1: DESC: TIME: 0000  
 DATE 2: DESC: TIME: 0000

TRACKING NOS:

DEF/ATY:

TYPE:

TYPE:

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00000

PROSECUTOR:

=====

OTH CSE: 000000000000	CHK/TICKET NO:	GRAND JURY:
RT REPORTER:	SIB NO: 0000000000	
STATUS: JAIL	DEMAND: Y	OPER: STW

=====

DATE ACTIONS, JUDGEMENTS, AND NOTES

9-9-03	Filed Petition for Rule 32 per Judge's Order.
9-23-03	Motion for Summary Disposition.
9-26-03	See Order CC-02-165
10/3/03	See Order CC-02-165
10-8-03	N: Asst. Agt.
10-17-03	Filed Notice of Appeal.
10/22/03	Free Transcript Ordered
	N: Asst



11-6-03 Mailed Clerk's Notice of Appeal to CCA, AG, DA, Deft.

N: Out

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11-6-03 Mailed Clerk's Notice of Appeal to CCA, AG, DA, Deft.

ACR0372 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 001170.60  
 OPER: STW CASE ACTION SUMMARY  
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 09/10/2003  
 THE CIRCUIT COURT OF HOUSTON JUDGE: SEJ

STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD  
 CASE: CC 2002 001170.60 EASTERLING CORR. FAC.  
 P. O. BOX 10  
 CLIQ, AL 36017 0000

DOB: 04/25/1957 SEX: M RACE: B HT: 5 08 WT: 120 HR: BLK EYES: BRD  
 SSN: 077506735 ALIAS NAMES:  
 CHARGE01: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001  
 OFFENSE DATE: AGENCY/OFFICER:

DATE WAR/CAP ISS: DATE ARRESTED:  
 DATE INDICTED: DATE FILED: 09/09/2003  
 DATE RELEASED: DATE HEARING:  
 BOND AMOUNT: \$ .00 SURETIES:

DATE 1: DESC: TIME: 0000  
 DATE 2: DESC: TIME: 0000

TRACKING NOS:

DEF/ATY:

TYPE:

TYPE:

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PROSECUTOR:

OTH CSE: 00000000000000000000 CHK/TICKET NO: GRAND JURY:  
 RT REPORTER: SID NO: 0000000000  
 STATUS: JAIL DEMAND: Y OPER: STW

DATE ACTIONS, JUDGEMENTS, AND NOTES

9-9-03	Filed Petition for Rule 32 per Judge's Order.
9-23-03	Motion for Summary Disposition.
9-26-03	See Order CC-02-165
10/3/03	See Order CC-02-165
10-8-03	See Order CC-02-165
10-8-03	N. Dept. SA.
10-17-03	Filed Notice of Appeal.
10/22/03	File Transcript Ordered.
	N. Dept.

11-6-03 Mailed Clerk's Notice of Appeal to CCA, AG, DA, Deft.

# PETITION FOR RELIEF FROM CONVICTION OR SENTENCE

(Pursuant to Rule 32,

Alabama Rules of Criminal Procedure)

CC-00-1170  
CC-00-1158 / CC-00-1169  
CC-00-0165 / CC-00-1166  
ID YR NUMBER

CIRCUIT \_\_\_\_\_ COURT OF HOUSTON ALABAMA  
IN THE \_\_\_\_\_

DOUGLAS EDWARD STEVENSON vs. STATE OF ALABAMA  
Petitioner (Full Name) Respondent

(Indicate either the "State" or,  
if filed in municipal court, the  
name of the "Municipality")

Prison Number 228063 Place of Confinement EASTERLING

County of conviction Houston

NOTICE: BEFORE COMPLETING THIS FORM, READ CAREFULLY  
THE ACCOMPANYING INSTRUCTIONS.

1. Name and location (city and county) of court which entered the judgment of conviction  
or sentence under attack Houston County / City of Dothan

2. Date of judgment of conviction 03/11/03

3. Length of sentence 5 concurrent sentences of 15 years

4. Nature of offense involved (all counts) Criminal Possession a forged  
Instrument 4 counts and theft of property in the 2nd degree

5. What was your plea? (Check one)

(a) Guilty XX

(b) Not guilty \_\_\_\_\_

(c) Not guilty by reason of mental disease or defect \_\_\_\_\_

(d) Not guilty and not guilty by reason of mental disease or defect \_\_\_\_\_

Filed 9-9-03  
Judy Boyd, Clerk

5. Kind of trial: (Check)

(a) Jury \_\_\_\_\_

(b) Judge only XX

12

7. Did you testify at the trial?

Yes \_\_\_\_\_

No XX

9. Did you appeal from the judgment of conviction?

Yes \_\_\_\_\_

No XX

9. If you did appeal, answer the following:

(a) As to the state court to which you first appealed, give the following information:

(1) Name of court \_\_\_\_\_

(2) Result \_\_\_\_\_

(3) Date of result \_\_\_\_\_

(b) If you appealed to any other court, then as to the second court to which you appealed, give the following information:

(1) Name of court \_\_\_\_\_

(2) Result \_\_\_\_\_

(3) Date of result \_\_\_\_\_

(c) If you appealed to any other court, then as to the third court to which you appealed, give the following information:

(1) Name of court \_\_\_\_\_

(2) Result \_\_\_\_\_

(3) Date of result \_\_\_\_\_

10. Other than a direct appeal from the judgment of conviction, sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes \_\_\_\_\_

No XX

13

11. If your answer to Question 10 was "yes", then give the following information in regard to the first such petition, application, or motion you filed:

(a) (1) Name of court \_\_\_\_\_

(2) Nature of proceeding \_\_\_\_\_

(3) Grounds raised \_\_\_\_\_

(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes \_\_\_\_\_

No \_\_\_\_\_

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(b) As to any second petition, application, or motion, give the same information:

(1) Name of court \_\_\_\_\_

(2) Nature of proceeding \_\_\_\_\_

(3) Grounds raised \_\_\_\_\_

(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes \_\_\_\_\_

No \_\_\_\_\_

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(c) As to any third petition, application, or motion, give the same information (attach additional sheets giving the same information for any subsequent petitions, applications, or motions):

(1) Name of court \_\_\_\_\_



(3) Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes \_\_\_\_\_

No \_\_\_\_\_

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(d) Did you appeal to any appellate court the result of the action taken on any petition, application, or motion?

(1) First petition, etc.

Yes \_\_\_\_\_

No \_\_\_\_\_

(2) Second petition, etc.

Yes \_\_\_\_\_

No \_\_\_\_\_

(3) Third petition, etc.

Yes \_\_\_\_\_

No \_\_\_\_\_

ATTACH ADDITIONAL SHEETS GIVING THE SAME INFORMATION  
FOR ANY SUBSEQUENT PETITIONS, APPLICATIONS, OR MOTIONS.(e) If you did not appeal when you lost on any petition, application, or motion, explain briefly why you did not:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Specify every ground on which you claim that you are being held unlawfully, by placing a check mark on the appropriate line(s) below and providing the required information. Include all facts. If necessary, you may attach pages stating additional grounds and the facts supporting them.

## GROUND(S) OF PETITION

Listed below are the possible grounds for relief under Rule 32. Check the ground(s) that apply in your case, and follow the instruction under the ground(s):

XX

- A. The Constitution of the United States or of the State of Alabama requires a new trial, a new sentence proceeding, or other relief.

For your information, the following is a list of the most frequently raised claims of constitutional violation:

- (1) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (2) Conviction obtained by use of coerced confession.
- (3) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (4) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (5) Conviction obtained by a violation of the privilege against self-incrimination.
- (6) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (7) Conviction obtained by a violation of the protection against double jeopardy.
- (8) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (9) Denial of effective assistance of counsel.

This list is not a complete listing of all possible constitutional violations.

If you checked this ground of relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each constitutional violation that you claim, whether or not it is one of the nine listed above, and include under it each and every fact you feel supports this claim. Be specific and give details.

XX B. The court was without jurisdiction to render the judgment or to impose the sentence.

If you checked this ground of relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

XX C. The sentence imposed exceeds the maximum authorized by law, or is otherwise not authorized by law.

If you checked this ground of relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

       D. Petitioner is being held in custody after his sentence has expired.

If you checked this ground of relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

       E. Newly discovered material facts exist which require that the conviction or sentence be vacated by the court, because:

The facts relied upon were not known by petitioner or petitioner's counsel at the time of trial or sentencing or in time to file a post-trial motion pursuant to rule 24, or in time to be included in any previous collateral proceeding, and could not have been discovered by any of those times through the exercise of reasonable diligence; and

The facts are not merely cumulative to other facts that were known; and

If the facts had been known at the time of trial or sentencing, the result would probably have been different and

The facts establish that petitioner is innocent of the crime for which he was convicted or should not have received the sentence that he did.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

- F. The petitioner failed to appeal within the prescribed time and that failure was without fault on petitioner's part.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

13. IMPORTANT NOTICE REGARDING ADDITIONAL PETITIONS RULE 32.2(b) LIMITS YOU TO ONLY ONE PETITION IN MOST CIRCUMSTANCES. IT PROVIDES:

"Successive Petitions. The court shall not grant relief on a second or successive petition on the same or similar grounds on behalf of the same petitioner. A second or successive petition on different grounds shall be denied unless the petitioner shows both that good cause exist why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and that failure to entertain the petition will result in a miscarriage of justice."

- A. Other than an appeal to the Alabama Court of Criminal Appeals or the Alabama Supreme Court, have you filed in state court any petition attacking this conviction or sentence?

Yes \_\_\_\_\_ No XX

- B. If you checked "Yes," give the following information as to earlier petition attacking this conviction or sentence:

(a) Name of court \_\_\_\_\_

(b) Result \_\_\_\_\_

(c) Date of result \_\_\_\_\_  
(attach additional sheets, if necessary)

- C. If you checked the "Yes" line in 13A, above, and this petition contains a different ground or grounds of relief from an earlier petition or petitions you filed, attach a separate sheet or sheets labeled: "EXPLANATION FOR NEW GROUND(S) OF RELIEF"

On the separate sheet(s) explain why "good cause exists why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and [why the] failure to entertain [this] petition will result in a miscarriage of justice."

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes \_\_\_\_\_ No XX

15. Give the name and address, if known, of each attorney who represented you at the following stages of the case that resulted in the judgment under attack:

(a) At preliminary hearing N/A

(b) At arraignment and plea Hon. John E. Byrd, jr.

P. O. Box 536 Dothan, Alabama 36302

(c) At trial N/A

(d) At sentencing same as (b)

(e) On appeal N/A

(f) In any post-conviction proceeding N/A

(g) On appeal from adverse ruling in a post-conviction proceeding N/A

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes XX No       

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes        No XX

(a) If so, give name and location of court which imposed sentence to be served in the future:       

(b) And give date and length of sentence to be served in the future:       

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes        No XX

18. What date is this petition being mailed?

Wherefore, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

# PETITIONER'S VERIFICATION UNDER OATH SUBJECT TO PENALTY FOR PERJURY

I swear (or affirm) under penalty of perjury that the foregoing is true and correct.

Executed on Aug. 16 2003  
(Date)

James E. Stevenson  
Signature of Petitioner

SWORN TO AND SUBSCRIBED before me this the 16 day of August 2003.

Bryan K. Davis  
Notary Public

OR

## ATTORNEY'S VERIFICATION UNDER OATH SUBJECT TO PENALTY FOR PERJURY

I Swear (or affirm) under penalty of perjury that, upon information and belief, the foregoing is true and correct. Executed on \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature of Petitioner's Attorney

SWORN TO AND SUBSCRIBED before me this the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Notary Public

Name and address of attorney representing petitioner  
in this proceeding (if any)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If petitioner is represented by counsel, Rule 33.6(a) permits either petitioner or counsel to verify the statement.

IN THE CIRCUIT COURT OF HOUSTON COUNTY, ALABAMA  
TWENTIETH JUDICIAL CIRCUIT

DOUGLAS EDWARD STEVENSON,	)	
PETITIONER,	)	
	)	
VS.	)	CASE NOS. CC-00-0165
	)	CC-00-1166
	)	CC-00-1168
	)	CC-00-1169
	)	CC-00-1170
STATE OF ALABAMA,	)	
RESPONDENT.	)	

BRIEF AND ARGUMENT IN SUPPORT OF PETITION FOR  
RELIEF OF CONVICTION OR SENTENCE  
(PURSUANT TO RULE 32 OF THE ALABAMA RULES OF CRIMINAL PROCEDURE)

COMES NOW the Petitioner, Douglas Edward Stevenson, by and through himself in the above entitled cause and moves this Honorable Court to order the relief he is entitled as a matter of law. The Petitioner supports his contention with the following grounds:

A. The Constitution of the United States or of the State of Alabama, requires a new trial, a new sentence proceeding, or other relief.

(1) THE SENTENCE IMPOSED EXCEEDS THE MAXIMUM AUTHORIZED BY LAW, OR IS OTHERWISE NOT AUTHORIZED BY LAW.

The petitioner pleaded guilty on March 11, 2003 to "Receiving Stolen Property in the second degree, and four (4) counts of Criminal Possession of a forged Instrument in the second degree. Stevenson was sentenced to five concurrent sentences of fifteen (15) years.

The record is totally silent as to the Petitioner having any prior felony convictions for the purpose of the Habitual Offender Act, § 13A-5-9 Code of Ala., 1975. The record is further silent as to the District Attorney's Office motioning the court it intended to apply the H.O.A. pursuant to § 13A-5-10 or 13A-5-10.1 Code of Ala., 1975.

Section 13A-8-18(b) clearly defines "Receiving Stolen Property in the Second Degree" as a class C felony, and §13A-9-6 defines "Criminal Possession of Forged Instrument in the second degree" as a class C felony.

Section 13A-5-6(3) Code of Ala., 1975 states the following: "For a Class C felony, not more than 10 years or less than 1 year and 1 day ".

The Petitioner was sentenced to concurrent sentences of fifteen years exceeding the maximum authorized by law, and the fifteen year sentence is clearly not authorized in this case, and can not be supported by the law.

Petitioner's allegation that he was improperly sentenced maybe as a habitual offender is not precluded under this section (Rule 32 A.R.Cr.P.). An issue regarding the imposition of a sentence that exceeds the maximum allowed by law be be raised at any time. Kaska v. States, 709 So.2d 500, 502 (Ala.Crim.App. 1997), quoting from Andersch v. State, 716 So.2d 242 (Ala.Crim.App. 1997).

When a sentence is clearly illegal or is clearly not authorized by statute, the defendant does not need to object at the trial level in order to preserve that issue; the illegality of a defendant's sentence is a ground specified for a collateral post-conviction remedy. Ex parte Brannon, 547 So.2d 68 (Ala. 1989).

Stevenson essentially challenges the legality of his sentence. The holding in Brannon, appears to equate an invalid sentence with a jurisdictional defect. Rule 16.2(d) A.R.Crim.P. (The lack of subject matter jurisdiction...may be raised at any time. Falkner v. State, 586 So.2d 39, 47-48 (Ala.Crim.App. 1991). Even though the Petitioner did not appeal, the issue may still be presented to this Court. Robinson v. State, 562 So.2d 277, 278 (Ala.Cr.App.1990), quoting Ferguson v. State, 565 So.2d 1172, 1173 (Ala.Crim.App. 1990).



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Wherefore the premises considered the Petitioner prays that this Court order the relief he is entitled as a matter of law.

State of Alabama

County of Barbour

Sworn to and subscribed before my hand on this 16 day of

August 2003.

Douglas E. Stevenson  
Douglas Stevenson

Bryan K. Davins  
Notary public

My commission expires: 5-7-2006

Address of the Petitioner:

228063  
P. O. Box 10  
Easterling Correctional Facility  
Clio, Alabama 36017-0010

Case Number

CC-00-1170

ID YR NUMBER

(To be completed  
by Court Clerk)

## IN FORMA PAUPERIS DECLARATION

IN THE CIRCUIT COURT OF HOUSTON COUNTY, ALABAMA

(Insert appropriate court)

DOUGLAS STEVENSON #228063

(Petitioner)

vs.

STATE OF ALABAMA

(Respondent(s))

DECLARATION IN SUPPORT OF REQUEST TO PROCEED  
IN FORMA PAUPERISI, DOUGLAS STEVENSON

declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? Yes \_\_\_\_\_ No X

a. If the answer is "yes", state the amount of your salary or wages per month, and give the name and address of your employer.

b. If the answer is "no", state the date of last employment and the amount of the salary and wages per month which you received:

N/A

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession, or other form of self-employment?

Yes \_\_\_\_\_ No X

b. Rent payments, interest, or dividends?

Yes \_\_\_\_\_ No X

c. Pensions, annuities, or life insurance payments?

Yes \_\_\_\_\_ No X

d. Gifts or inheritances?

Yes \_\_\_\_\_ No X

e. Any other sources?

Yes \_\_\_\_\_ No X

9/9/03 Free file anthony  
jackson, jr

7-10-03  
N Rept, DA.

24

If the answer to any of the above is "yes", describe each source of money and state the amount received from each during the past twelve months.

3. Do you own cash, or do you have money in a checking or savings account?

Yes X

No \_\_\_\_\_

(Include any funds in prison accounts.)

(SEE PRISON ACCOUNT ATTACHED)

If the answer is "yes", state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes \_\_\_\_\_

No X

If the answer is "yes", describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

W/A

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on August 20, 2003

(Date)

James E. Stevenson

Signature of Petitioner

### CERTIFICATE

I hereby certify that the petitioner herein has the sum of \$ 0.34 on account to his credit at the institution where he is confined. I further certify that petitioner likewise has the foregoing securities to his credit according to the records of said Eastview institution.

See Attached

8-18-03

DATE

Brenda Harbuck ASA1

STATE OF ALABAMA  
DEPARTMENT OF CORRECTIONS  
EASTERLING CORR. FACILITY

25

AIS #: 228063 NAME: STEVENSON, DOUGLAS EDWARD AS OF: 08/18/2003

MONTH	# OF DAYS	AVG DAILY BALANCE	MONTHLY DEPOSITS
AUG	13	\$0.00	\$0.00
SEP	30	\$0.00	\$0.00
OCT	31	\$0.00	\$0.00
NOV	30	\$0.00	\$0.00
DEC	31	\$0.00	\$0.00
JAN	31	\$0.00	\$0.00
FEB	28	\$0.00	\$0.00
MAR	31	\$0.00	\$0.00
APR	30	\$0.00	\$0.00
MAY	31	\$0.07	\$0.47
JUN	30	\$6.28	\$50.00
JUL	31	\$0.72	\$0.00
AUG	18	\$0.34	\$0.00

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Johnson, PJ

9-10-03  
N Rept, DA.

EX PARTE,	)	IN THE CIRCUIT COURT OF
DOUGLAS EDWARD STEVENSON )		HOUSTON COUNTY, ALABAMA
VS.	)	
STATE OF ALABAMA	)	CASE NO. <u>CC 2002-165.60,</u> <u>CC2002-1166.60,</u> <u>CC2002-1168.60,</u> <u>CC 2002-1169.60 &amp;</u> <u>CC2002-1170.60</u>

MOTION FOR SUMMARY DISPOSITION

Comes now the State of Alabama and moves the Court for an order summarily dismissing the petition filed herein and for reason alleges the following:

1. The petition fails to state a claim for which relief may be granted.
2. The grounds alleged in the petition either were raised at trial or could have been but were not raised at trial.
3. The grounds alleged in the petition either were raised on appeal or could have been but were not raised on appeal.
4. The grounds alleged and facts stated do not amount to newly discovered evidence.
5. The defendant admitted in open court on the record that he had three prior felony convictions for habitual offender purposes. This admission was prior to the Court's acceptance of his guilty pleas.
6. The State denies each and every material allegation contained within the petition.

Respectfully submitted this \_\_\_\_\_ day of September, 2003.

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**FILED**

SEP 23 2003

*Judy Byrd*  
JUDY BYRD, CLERK  
HOUSTON CO., AL

*Gary R. Maxwell*  
Gary R. Maxwell  
Chief Assistant District Attorney

CERTIFICATE OF SERVICE

I, Gary R. Maxwell, Chief Assistant District Attorney, hereby certify that I have placed a copy of the same in the U.S. mail, postage prepaid to Douglas Edward Stevenson, # 228063, Easterling Correctional, P.O. Box 10, Clio, Al. 36017 this 23rd day of September, 2003.

*Gary R. Maxwell*  
Gary R. Maxwell  
Chief Assistant District Attorney

23

9/26/03	Cont reports the transcode at least the portions of the plus category deals with H. al. off. but + pages. (probably first) 3-4 pages
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Johnson, PJ



STATE OF ALABAMA  
IN THE CIRCUIT COURT FOR THE COUNTY OF HOUSTON  
TWENTIETH JUDICIAL CIRCUIT  
CRIMINAL

30

THE STATE OF ALABAMA,

PLAINTIFF,

VS.

CC-02-165, 1166, 1168,  
1169, 1170

DOUGLAS EDWARD STEVENSON,

DEFENDANT.

\_\_\_\_\_/

REPORTER'S OFFICIAL TRANSCRIPT

Before:

Honorable Edward Jackson  
Dothan, Alabama  
March 11, 2003

APPEARANCES:

FOR THE STATE:  
HENRY D. BINFORD, ESQ.  
Assistant District Attorney

FOR THE DEFENDANT:

HAMP BAXLEY, ESQ.  
Attorney at Law  
Dothan, Alabama

JOHN BYRD, JR.  
Attorney at Law  
Dothan, Alabama

I N D E X

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PROCEEDINGS

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1 THE COURT: You are Douglas Edward Stevenson?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Mr. Stevenson, you are here in cases  
4 case CC-2002-165, where you are charged with receiving  
5 stolen property in the second degree. And that is --  
6 normally, that is a Class C felony for which you can  
7 receive from a year and a day up to ten years and a  
8 fine of up to five thousand dollars. But under the  
9 Habitual Offender Act, with at least three prior  
10 felonies, the minimum is fifteen years, and the  
11 maximum is ninety-nine years or life. And do you  
12 understand that range of punishment, and do you  
13 understand that you have at least one -- you have  
14 three prior felony convictions?  
15

16 THE DEFENDANT: Yes, I do.

17 THE COURT: Now, in cases CC-2002-1166, 68, 69  
18 and 70, you are charged with possession of a forged  
19 instrument, also, in the second degree. And the  
20 ranges of punishment are the same as in the other  
21 cases. Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: So, basically, the -- applying the  
24 Habitual Offender Act, the range of punishment is up  
25 to -- is fifteen years to ninety-nine years or life

33

1 and a fine of up to twenty thousand dollars in each of  
2 the cases. Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: Now, have you -- how old are you,  
5 first of all?

6 THE DEFENDANT: Forty-five.

7 THE COURT: Forty-five. And how much school have  
8 you completed?

9 THE DEFENDANT: Twelve.

10 THE COURT: Are you undergoing any psychiatric  
11 treatment or having any mental or emotional problems?

12 THE DEFENDANT: No.

13 THE COURT: Are you under the influence of any  
14 drugs, medication or alcohol today?

15 THE DEFENDANT: No, not today.

16 THE COURT: Have you had explained to you the  
17 rights which you will give up by entering a plea of  
18 guilty as set out on the Explanation of Rights form?

19 THE DEFENDANT: Very clearly.

20 THE COURT: And have you signed the forms  
21 voluntarily, and do you understand them?

22 THE DEFENDANT: Yes, I had.

23 THE COURT: Have you had enough time to discuss  
24 these cases with your attorneys and for them to advise  
25 you of your rights?

1 THE DEFENDANT: Yeah. We have had sufficient 34  
2 time.

3 THE COURT: And has anyone done anything to  
4 threaten you or harass you or make you plead guilty?

5 THE DEFENDANT: No.

6 THE COURT: Has anyone made you any promises or  
7 any inducements or any offers of reward of any type to  
8 get you to plead guilty?

9 THE DEFENDANT: No.

10 THE COURT: Has anyone promised you that you  
11 would get probation or a suspended sentence if you  
12 pled guilty?

13 THE DEFENDANT: No.

14 THE COURT: Based upon what you have told me here  
15 today, I find that your offer to plea guilty is  
16 willingly, knowingly and intelligently made, and I  
17 will accept your pleas if the offer given.

18 Mr. Binford, could you give the recitation of  
19 facts giving rise to the Indictments in Mr.  
20 Stevenson's cases?

21 MR. BINFORD: Judge, in the receiving stolen  
22 property second degree case, the State's evidence  
23 would be that the defendant, within a year before the  
24 finding of the Indictment, was stopped by Officer Doug  
25 McGill with the Dothan Police Department. He was in a

1 vehicle which was valued at approximately three <sup>35</sup>  
2 hundred dollars. That vehicle had been taken from  
3 Country Auto Sales. The vehicle had only been stolen  
4 several days before the defendant was found to be in  
5 the vehicle. When stopped by the police, the  
6 defendant fled. He was later apprehended by the  
7 police. Also, the passenger fled and was able to  
8 escape while the police were chasing Mr. Stevenson.

9 The State's evidence also, with regard to the  
10 receiving stolen property case, will be that, at the  
11 time the car was stopped, that a tag was on the  
12 vehicle which was not registered to that particular  
13 vehicle. And Mr. Henry Quillam Smith, from Country  
14 Auto Sales, will testify at trial, we expect, that the  
15 defendant -- no one had permission to be driving that  
16 car and that it was, in fact, stolen.

17 And the possession of a forged instrument second  
18 degree case, which I will identify as the Grand Jury  
19 case number 55, the State's evidence will be that the  
20 defendant cashed at Chandler's Check Cashing, or Jimmy  
21 Chandler's business, check number 677488 in the amount  
22 of \$465.88. That was cashed on August 6th of 2002.  
23 The check was written on an account purportedly drawn  
24 on Ansell's account here in Dothan. Ms. Joyce Martin  
25 from Ansell will testify, we expect, that the

1 defendant had no permission to be in possession of any  
2 checks on the Ansell account and that they were, in  
3 fact, forgeries.

4 In Grand Jury case number 58, the State's  
5 evidence will be that the defendant was stopped by  
6 Officer Duhaime and Parrish with the Dothan Police  
7 Department. Sergeant Willie Williamson was called to  
8 the scene. Upon arriving to the scene, a search was  
9 conducted of the defendant's person. They found on  
10 the defendant check number 677466, dated 5/9/02, in  
11 the amount of \$455.00 drawn on that same Ansell  
12 account. Again, Ms. Joyce Martin will testify that  
13 that check was a forgery and that the defendant had no  
14 permission to have that check in his possession.

15 In Grand Jury case number 59, again, an Ansell  
16 check was cashed at Mr. Jimmy Chandler's business,  
17 check number 677464, cashed on 5/14/02 in the amount  
18 of \$455.00.

19 In Grand Jury case number 116, the State's  
20 evidence will be that Ms. Catherine Cody from the  
21 U-Save Food Outlet will testify that check number  
22 677479 was cashed at her store by the defendant on  
23 5/9/02 in the amount of \$455.00.

24 Also, with respect to the Jimmy Chandler cases,  
25 the State's evidence will be that at the time those

1 checks were cashed, that an ID card was obtained by  
2 that Chandler's business and Xeroxed or photocopied  
3 and that this ID card, which was not in the name of  
4 Mr. Stevenson, but in another name, was found on the  
5 defendant's person when he was stopped by Officers  
6 Duhaime and Parrish. And we would expect that Mr.  
7 Chandler and Ms. Cody would identify the defendant in  
8 court as being the gentleman who cashed these checks  
9 at their respective businesses.

10 And all of these offenses took place in Houston  
11 County, Alabama.

12 THE COURT: Based upon the recitations of facts,  
13 I find that there are foundations for the Indictments  
14 in these cases. And are you familiar with the  
15 contents of the Indictments, and have you and your  
16 lawyers gone over them?

17 THE DEFENDANT: Yes, we have.

18 THE COURT: Do you waive the reading of the  
19 Indictments?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: To the Indictments in these cases,  
22 how do you plead, guilty or not guilty?

23 THE DEFENDANT: Guilty.

24 THE COURT: Upon your pleas of guilty, it is the  
25 judgment of the Court that you are guilty. Do you



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1 have anything to say as to why a sentence of law  
2 should not be pronounced upon you at this time?

3 THE DEFENDANT: Let's get it over with. No.

4 THE COURT: What is the State's recommendation in  
5 these cases?

6 MR. BINFORD: Judge, we recommend a sentence in  
7 each case of fifteen years. We recommend that those  
8 sentences run concurrently, for a total sentence of  
9 fifteen years. We recommend a fine of \$1500.00 in  
10 each case, Victim's Comp of 750 in each case. And,  
11 Judge, the total restitution, which the State is  
12 requesting as part of the plea agreement, is  
13 \$9,904.19. And, Judge, could I just state this on the  
14 record -- I will submit a written order within the  
15 next week or so. But that restitution was broken  
16 down -- Herman and Ann's, \$2,284.58; U-Save Food  
17 Outlet, \$1,834.95; Cherokee IGA, \$1,730.58;  
18 Chandler's, \$920.58; Winn-Dixie, 911; Linden Grocery,  
19 \$2,222.50. That should come up to \$9,904.19. And if  
20 I could, Judge, I will submit a written proposed order  
21 to that effect.

22 THE COURT: That will be better. And is that the  
23 recommendation, Mr. Stevenson, as you understood it  
24 would be on these cases?

25 THE DEFENDANT: According to the lawyers, yes.

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1 THE COURT: And your understanding, Mr. Baxley?

2 MR. BAXLEY: Yes, Your Honor.

3 THE COURT: And, Mr. Byrd?

4 MR. BYRD: Yes, sir.

5 THE COURT: Based upon the State's  
6 recommendation, I sentence you to fifteen years in  
7 each case to run concurrently, a fine of \$1500.00 in  
8 each case and \$750.00 to the Victim's Compensation  
9 Fund, and restitution of \$9,904.19 to cover all of the  
10 cases.

11 MR. BINFORD: Judge, can I say one thing, also?

12 THE COURT: Yes.

13 MR. BINFORD: We agree to not take any more cases  
14 to the Grand Jury. We could have made other cases,  
15 additional cases, but our agreement is that we will  
16 not indict him on any cases or checks that we know  
17 about today -- if something comes up today that we did  
18 not know about, that may have happened, you know, a  
19 year ago, but we don't know about it, we reserve the  
20 right to, you know, prosecute him on that. But  
21 anything that we know about today, we agree not to  
22 take that to the Grand Jury.

23 THE COURT: Do you understand that, Mr.  
24 Stevenson? They will not be indicting you on any of  
25 the other cases that have arisen?

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THE DEFENDANT: Yes, I do.

THE COURT: With that, then, you are back in the  
custody of the sheriff. Thank you.

MR. BYRD: Thank you, Your Honor.

END OF PROCEEDINGS

## CERTIFICATE OF REPORTER

STATE OF ALABAMA

HOUSTON COUNTY

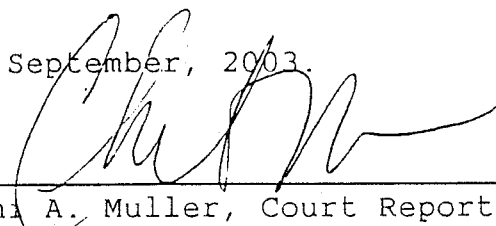
I, Chani A. Muller, Court Reporter, and Notary Public, State at Large, do hereby certify that I have correctly reported in stenotype the proceedings in the above-styled cause, and I later reduced by stenotype notes into typewriting, and that the foregoing pages, beginning with the word "Proceedings" where the same appears in the center of the page, contain a true and correct transcription of the evidence, including objections, oral motions, rulings of the Court and the oral charge of the Court, where applicable, as therein set out.

I further certify that I have no interest in this matter, financial or otherwise, or how it may develop or what its outcome may be. I further certify that I am not of counsel for any of the parties, nor am I related to counsel or litigants or associated with anyone connected with this cause to my knowledge.

I further certify that I have filed all exhibits offered in the trial of this cause with the Clerk of the Circuit Court for incorporation in the Record.

1 I further certify that I have on this day filed  
2 with the Clerk of the Court of Criminal Appeals of  
3 Alabama and the parties here involved a Certificate of  
4 Completion of Reporter's Transcript. I further  
5 certify that I have filed the original and three  
6 copies of this transcript in the office of the Clerk  
7 of the Circuit Court of Houston County, Houston County  
8 Courthouse, Dothan, Alabama.

9  
10 This 15th day of September, 2003.

11   
12 Chani A. Muller, Court Reporter,  
13 Notary Public, State at Large  
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10/3/03

D's petition is denied as he has failed to state  
 claims. His alleged test the report does not reflect  
 his prior conviction is contrary to his admission by  
 same on page 4 of the Death Report. Truly,  
 10-803  
 N. Dept. DA.

IN THE CIRCUIT COURT OF HOUSTON COUNTY, ALABAMA

DOUGLAS EDWARD STEVENSON,

PETITIONER,

VS.

STATE OF ALABAMA,

RESPONDENT.

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CASE NO. CC-02-165.60  
CC-02-1166.60  
CC-02-1168.60  
CC-02-1169.60 &  
CC-02-1170.60

PETITIONER'S OPPOSITION TO THE MOTION FOR SUMMARY DISPOSITION

COMES NOW the Petitioner, Douglas Edward Stevenson, by and through himself in the above entitled cause, and moves this Court to set aside the "motion for Summary Disposition" filed by the District Attorney's Office, and set this matter for an evidentiary hearing. The Petitioner states in support the following:

The Respondents assertion reflected in items 1, 2, 3, 4, and 6 are without merits and should not be considered in the determination of the petition. Respondents allegation in item 5 are false and unsupported.

**FILED**

OCT 10 2003

JUDY BYRD, CLERK  
HOUSTON, CO.

The respondents failed to address the issues submitted by the Petitioner in his Petition. Petitioner supports his claim using the case of Andersch v. State, 716 So.2d 242 (Ala.Crim.App. 1997), whereas it is quoted, as support for his claim that the trial court did not have jurisdiction to render the judgment or to impose the sentence, the appellant argued that he was improperly sentenced as a habitual felony offender because, he claimed, the prior convictions that were used to enhance his sentence had been dismissed before he was sentenced.

The appellant's allegation that he was improperly sentenced as a habitual felon is also not necessarily precluded. An issue regarding the imposition of a sentence that exceeds the maximum allowed by law may be raised at anytime. Kaska v. State, 709 So.2d 500, 502 (Ala.Crim.App.1997).

Because the record did not show whether the State responded to defendant's allegations in his post conviction relief petition, the unrefuted facts set out by the petitioner must be taken as true; therefore, the petition was meritorious on its face and cause must be remanded to the circuit court for an evidentiary hearing. Teat v. State, 589 So.2d 815 (Ala.Crim.App.1991).



Wherefore, the premises considered, the Petitioner prays this Court order an evidentiary hearing and grant the appropriate relief.

Dated: 10-2-03

Respectfully submitted,

*Douglas Edward Stevenson*

Douglas Stevenson  
228063  
P. O. Box 10  
Clio, Alabama 36017-0010

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the Office of the District Attorney, by placing a copy of the same in the Prison Mail Room for United States Mail, postage prepaid on this 2 day of October, 2003.

*Douglas Edward Stevenson*  
Petitioner

IN THE CIRCUIT COURT OF HOUSTON COUNTY, ALABAMA  
NOTICE OF APPEAL TO THE COURT OF CRIMINAL APPEALS OF ALABAMA

DOUGLAS EDWARD STEVENSON, :  
APPELLANT, :  
VS. : CASE NO. CC-02-165 thru 170  
STATE OF ALABAMA, :  
APPELLEE. : 10/03/03  
DATE OF DENIAL

NOTICE OF APPEAL

Notice is hereby given that Douglas Stevenson  
appeals to the above - named court from the judgment of denial  
of Rule 32 Petition  
ENTERED IN THIS CAUSE ON THE 3rd day of October,  
20 03.


Dated: 10 Oct 03

I am, this date, serving a copy of the foregoing on all parties  
required by the A.R.A.P., via United States Mail, first class and  
properly addressed.

Respectfully submitted,



Douglas Stevenson  
228063  
P. O. Box 10  
Clio, Al. 36017-0010

**FILED**  
OCT 17 2003  
  
JUDY BYRD, CLERK  
HOUSTON CO., AL

State of Alabama Unified Judicial System Form ARAP-1C      8/91	<b>REPORTER'S TRANSCRIPT ORDER -- CRIMINAL</b> <small>See Rules 10(c) and 11(b) of the Alabama Rules of Appellate Procedure (A.R. App.P.)</small>	Criminal Appeal Number _____
---	--	---------------------------------

TO BE COMPLETED BY COUNSEL FOR THE APPELLANT OR BY THE APPELLANT IF NOT REPRESENTED AND FILED WITH THE WRITTEN NOTICE OF APPEAL OR FILED WITHIN 7 DAYS AFTER ORAL NOTICE OF APPEAL IS GIVEN.

☒ CIRCUIT COURT    ☐ DISTRICT COURT    ☐ JUVENILE COURT OF \_\_\_\_\_ Houston COUNTY  
Douglas Stevenson , Appellant

v.    ☐ STATE OF ALABAMA    ☐ MUNICIPALITY OF \_\_\_\_\_

Case Number <u>CC-02-155.60 thru 170</u>	Date of Judgment/Sentence/Order <u>10/03/03</u>
Date of Notice of Appeal Oral: _____ Written: <u>10/10/03</u>	Indigent Status Granted: <input type="checkbox"/> Yes <input type="checkbox"/> No

**PART 1. TO BE SIGNED IF THE APPEAL WILL NOT HAVE A COURT REPORTER'S TRANSCRIPT:**

I CERTIFY THAT NO REPORTER'S TRANSCRIPT IS EXPECTED AND THAT THE RECORD ON APPEAL SHALL CONSIST OF THE CLERK'S RECORD ONLY. IF THE APPEAL IS FROM DISTRICT COURT OR JUVENILE COURT, I ALSO CERTIFY (1) THAT A STIPULATION OF FACTS WILL BE INCLUDED IN THE CLERK'S RECORD AND THAT THE APPELLANT WAIVES HIS RIGHT TO A JURY TRIAL IF SO ENTITLED, OR (2) THAT THE PARTIES HAVE STIPULATED THAT ONLY QUESTIONS OF LAW ARE INVOLVED AND THAT THE QUESTIONS WILL BE CERTIFIED BY THE JUVENILE/DISTRICT COURT FOR INCLUSION IN THE CLERK'S RECORD (SEE RULE 28(A)(1), ALABAMA RULES OF JUVENILE PROCEDURE, AND §12-12-72, CODE OF ALABAMA 1975)

Douglas E. Stevenson  
Signature

10/10/03  
Date

Douglas Stevenson  
Print or Type Name

**PART 2. DESIGNATION OF PROCEEDINGS TO BE TRANSCRIBED.** Request is hereby made to the court reporter(s) indicated below for a transcript of the following proceedings in the above referenced case (see Rule 10(c)(2), Alabama Rules of Appellate Procedure (A.R. App.P.)).**MARK PROCEEDINGS REQUESTED:****COURT REPORTER(S)**

- A. ☐ **TRIAL PROCEEDINGS** - Although this designation will include the judgment and sentence proceedings, a transcript of the organization of the jury and arguments of counsel must be designated separately
- B. ☐ **ORGANIZATION OF THE JURY** - This designation will include voir dire examination and challenges for cause. Note that in noncapital cases the voir dire of the jury will not be recorded unless the trial judge so directs. (See Rule 19.4, ARCP.)
- C. ☐ **ARGUMENTS OF COUNSEL** - Note that in noncapital cases the arguments of counsel will not be recorded unless the trial judge so directs. (See Rule 19.4, ARCP.)

IN ADDITION TO ANY PROCEEDINGS DESIGNATED ABOVE, SPECIAL REQUEST IS HEREBY MADE TO INCLUDE THE FOLLOWING PROCEEDINGS IN THE REPORTER'S TRANSCRIPT PORTION OF THE RECORD ON APPEAL. (ATTACH ADDITIONAL PAGES IF NECESSARY):

**ADDITIONAL PROCEEDINGS REQUESTED****DATE****COURT REPORTER(S)**

- D. \_\_\_\_\_
- E. \_\_\_\_\_
- F. \_\_\_\_\_
- G. \_\_\_\_\_

**IMPORTANT NOTICE:** The court reporter who reported the proceedings for which a transcript is requested must be identified on this form to be effective. Additionally, it is important to note that the appellant may not be permitted to raise any issue on appeal relating to any proceedings in the case that are not specifically designated on this form for inclusion in the reporter's transcript. A general designation such as "all proceedings" is not sufficient. (See Rule 10(c)(2), A.R. App.P.)

**PART 3. MUST BE SIGNED IF THE APPEAL WILL HAVE A COURT REPORTER'S TRANSCRIPT:**

I CERTIFY THAT I HAVE DISTRIBUTED THIS FORM AS SET OUT BELOW. I ALSO CERTIFY (1) THAT I HAVE MADE SATISFACTORY FINANCIAL ARRANGEMENTS WITH EACH COURT REPORTER LISTED ABOVE FOR PREPARING HIS OR HER PORTION OF THE REPORTER'S TRANSCRIPT HEREIN REQUESTED; OR (2) THAT THE APPELLANT PROCEEDED AT TRIAL AS AN INDIGENT AND THAT THAT STATUS HAS NOT BEEN REVOKED; OR, (3) THAT THE APPELLANT HAS BEEN GIVEN PERMISSION TO PROCEED ON APPEAL IN FORMA PAUPERIS

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name

**DISTRIBUTION:** Original filed with Clerk of Trial Court and copies mailed to: (1) Clerk of the Court of Criminal Appeals, (2) the District Attorney, (3) the Attorney General, and the in forma pauperis fee.

State of Alabama  
Unified Judicial System  
Form ARAP-26 (front) 8/91

COURT OF CRIMINAL APPEALS  
DOCKETING STATEMENT

Criminal Appeal Number \_\_\_\_\_

A. GENERAL INFORMATION:

☒ CIRCUIT COURT ☐ DISTRICT COURT ☐ JUVENILE COURT OF Houston COUNTY

Douglas Stevenson - Appellant

V. ☒ STATE OF ALABAMA ☐ MUNICIPALITY OF \_\_\_\_\_

Case Number <u>CC-02-165 thru 170</u>	Date of Complaint or indictment <u>N/A</u>	Date of Judgment/Sentence/Order <u>10/03/03</u>
Number of Days of Trial/Hearing <u>0</u> Days	Date of Notice of Appeal Oral: _____ Written: <u>10/10/03</u>	
Indigent Status Requested: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Indigent Status Granted: <input type="checkbox"/> Yes <input type="checkbox"/> No

B. REPRESENTATION:

Is Attorney Appointed or Retained? <input type="checkbox"/> Appointed <input type="checkbox"/> Retained.	If no attorney, will appellant represent self? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appellant's Attorney (Appellant if pro se) (Attach additional pages if necessary) <u>Douglas Stevenson, pro se</u>	Telephone Number <u>N/A</u>
Address <u>P. O. Box 10</u>	City <u>Cllo</u> State <u>AL</u> Zip Code <u>36017</u>

C. CODEFENDANTS: List each CODEFENDANT and the codefendant's case number.

Codefendant _____	Case Number _____
Codefendant _____	Case Number _____
Codefendant _____	Case Number _____

D. TYPE OF APPEAL: Please check the applicable block.

- 1 ☐ State Conviction      4 ☐ Pretrial Order      7 ☐ Juvenile Transfer Order      10 ☐ Other (Specify) \_\_\_\_\_  
 2 ☒ Post-Conviction Remedy      5 ☐ Contempt Adjudication      8 ☐ Juvenile Delinquency \_\_\_\_\_  
 3 ☐ Probation Revocation      6 ☐ Municipal Conviction      9 ☐ Habeas Corpus Petition \_\_\_\_\_

E. UNDERLYING CONVICTION/CHARGE: Regardless of the type of appeal checked in Section D, please check the box beside each offense category for which the appellant has been convicted or charged as it relates to this appeal. Also include the applicable section of the Code of Alabama for State convictions.

- 1 ☐ Capital Offense - § \_\_\_\_\_      6 ☐ Trafficking in Drugs - § \_\_\_\_\_      11 ☐ Fraudulent Practices - § \_\_\_\_\_  
 2 ☐ Homicide - § \_\_\_\_\_      7 ☐ Theft - § \_\_\_\_\_      12 ☐ Offense Against Family - § \_\_\_\_\_  
 3 ☐ Assault - § \_\_\_\_\_      8 ☐ Damage or Intrusion to Property - § \_\_\_\_\_      13 ☐ Traffic - DUI - § \_\_\_\_\_  
 4 ☐ Kidnapping/Unlawful Imprisonment - § \_\_\_\_\_      9 ☐ Escape - § \_\_\_\_\_      14 ☐ Traffic - Other - § \_\_\_\_\_  
 5 ☐ Drug Possession - § \_\_\_\_\_      10 ☐ Weapons/Firearms - § \_\_\_\_\_      15 ☐ Miscellaneous (Specify): \_\_\_\_\_ - § \_\_\_\_\_

F. DEATH PENALTY:

Does this appeal involve a case where the death penalty has been imposed? ☐ Yes ☒ No

G. TRANSCRIPT:

1. Will the record on appeal have a reporter's transcript? ☐ Yes ☒ No  
 2. If the answer to question "1" is "Yes," state the date the Reporter's Transcript Order was filed. \_\_\_\_\_ (Date)  
 3. If the answer to question "1" is "No":  
 (a) Will a stipulation of facts be filed with the circuit clerk? ☐ Yes ☐ No  
 (b) Will the parties stipulate that only questions of law are involved and will the trial court certify the questions? ☐ Yes ☐ No

NOTE: If the appeal is from the district or juvenile court and the answer to question "1" is "No," then a positive response is required for question 3(a) or 3(b).

Form ARAP-15 (Rev. 8/91)

## COURT OF CRIMINAL APPEALS DOKETING STATEMENT

H. POST-JUDGMENT MOTIONS: List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rules 20.3 and 24.4 (ARCP)):

DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION		
Month	Day	Year		Month	Day	Year

I. NATURE OF THE CASE: Without argument, briefly summarize the facts of the case.

Denial of Rule 32 Petition

J. ISSUE(S) ON APPEAL: Briefly state the anticipated issues that will be presented on appeal. (Attach additional pages if necessary.)

WHETHER THE TRIAL COURT ERRED TO REVERSAL FOR SUMMARILY DENYING THE APPELLANT'S RULE 32 PETITION?

SIGNATURE:

Date

Signature of Attorney/ Party Filing this Form

10/22/03 - Free Transcript ordered.

11-6-03 N. Dpt.

Edward Jackson, Judge

ACR371

ALABAMA JUDICIAL DATA CENTER

52

NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS  
BY THE TRIAL COURT CLERK

IN THE CIRCUIT COURT OF HOUSTON COUNTY

STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD JUDGE: SIDNEY E. JACKSON

APPEAL DATE: 10/17/2003

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:

INDIGENT STATUS REVOKED ON APPEAL:

INDIGENT STATUS GRANTED ON APPEAL:

<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO

DEATH PENALTY: NO

APPEAL TYPE: RULE 32 PETITION

Defendant handling Appeal Pro-Se

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION,  
WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 38/CC 2002 000165.60

10-3-03 Petition Dismissed

ORDER ENTERED (DATE): 10032003 PETITION: ☒ DISMISSED ☒ DENIED ☐ GRANTED

POST-JUDGMENT MOTIONS FILED:	DT FILED	DT DENIED	CON BY AGREE
MOTION FOR NEW TRIAL			
MOTION FOR JUDGE OF ACQUIT			
MOTION TO W/D GUILTY PLEA			
MOTION FOR ATTY TO W/DRAW			
OTHER			

COURT REPORTER(S):

ADDRESS:

APPELLATE COUNSEL #1:

ADDRESS:

PHONE NUMBER:

APPELLATE COUNSEL #2:

ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):

ADDRESS:

AIS #:

STEVENSON DOUGLAS EDWARD  
EASTERLING CORR. FAC.  
CLID AL 360170000

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED  
ABOVE IS ACCURATE TO THE BEST OF MY  
KNOWLEDGE AND I HAVE SERVED A COPY OF  
THIS NOTICE OF APPEAL ON ALL PARTIES TO  
THIS ACTION ON THIS 6th DAY OF November 2003

OPERATOR: STW  
PREPARED: 11/06/2003  
*Judy Bird*  
CIRCUIT COURT CLERK

**Court of Criminal Appeals**

H. W. "BUCKY" McMILLAN  
Presiding Judge  
SUE BELL COBB  
PAMELA W. BASCHAB  
GREG SHAW  
A. KELLI WISE  
Judges

State of Alabama  
Judicial Building, 300 Dexter Avenue  
P. O. Box 301555  
Montgomery, AL 36130-1555

Lane W. Mann  
Clerk  
Wanda K. Ivey  
Assistant Clerk  
(334) 242-4590  
Fax (334) 242-4689

November 25, 2003

Hon. Judy Byrd  
Circuit Clerk Houston  
P. O. Drawer 6406  
Dothan AL 36302

Re: **CR-03-0200**

Douglas Edward Stevenson v. State of Alabama (Appeal from Houston Circuit Court:  
CC02-165.60; CC02-1166.60; CC02-1168.60; CC02-1169.60; CC02-1170.60).

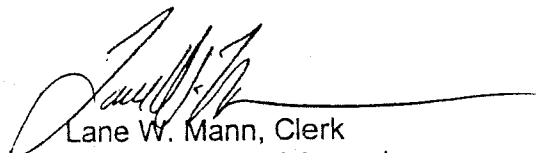
Dear Ms. Byrd:

The notice of appeal in the above referenced case was filed on October 17, 2003. According to our records, this appeal will not have a reporter's transcript of the evidence. Pursuant to Rule 11(b) of the Alabama Rules of Appellate Procedure (ARAP), if there is no reporter's transcript, the record on appeal should be filed with the Clerk of the appellate court within 28 days of the filing of the notice of appeal. Based on Rule 11(b), ARAP, it appears that the record on appeal is late.

Please advise this Court if our records are incorrect. Otherwise, the Court of Criminal Appeals respectfully requests that you take all necessary action required to complete and file the record on appeal by December 2, 2003.

Your assistance with this matter will certainly be appreciated. Please let me know if you have any questions.

Sincerely yours,

  
Lane W. Mann, Clerk  
Court of Criminal Appeals

cc: Douglas Edward Stevenson, Pro Se  
Office of Attorney General

NOV 26 2003  
CLERK  
COURT OF CRIMINAL APPEALS





JUDY BYRD

CIRCUIT CLERK

AND

DISTRICT COURT CLERK

HOUSTON COUNTY

DOTHAN, ALABAMA 36302

Elaine Love  
Chief Clerk

(334) 677-4858  
P.O. Drawer 6406

November 25, 2003

Court of Criminal Appeals  
State of Alabama Judicial Building  
300 Dexter Ave.  
P. O. Box 301555  
Montgomery, Alabama 36130-1555

RE: Douglas Stevens CR 03 0200  
Richard Benefield CR 03 0198

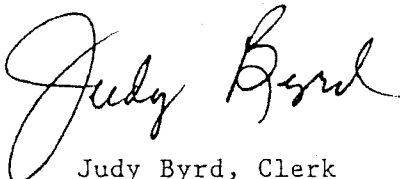
Dear Mr. Mann:

I have received your request for these transcript, I have been extreamly busy with other transcripts, as well as my other duties. I beg for a time extension in these two cases, I realize there will not be a Court Reporter's Transcript, and I will get these to you very quickly.

Please execept my apology for having let this matter get this far without having talked with you before.

Any consideration will be appreciated.

Sincerely,

  
Judy Byrd, Clerk

sw

TIME : 11/25/2003 15:10

55

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

11/25 15:09  
92424689  
00:00:38  
02  
OK  
STANDARD  
ECM

AP 14-3 Certificate of Completion and Transmittal of Record on Appeal by Trial Clerk

CERTIFICATE OF COMPLETION AND TRANSMITTAL  
OF RECORD ON APPEAL BY TRIAL CLERK

56  
TOTAL of 56 PAGES

DOUGLAS EDWARD STEVENSON

Appellant

V.

State of Alabama  
Appellee

TO: The Clerk of the Court of  
Criminal Appeals of Alabama

Case No. CC-2002-165.60, 2002-1166.60  
thru 2002-1170.60

Date of Notice of Appeal 10-17-03

I certify that I have this date completed and transmitted herewith to the appellate court the record on appeal by assembling 56 pages of the Clerk's record, and 0 pages of the Court Reporter's transcript, and that one copy of each of the record on appeal has been served on the defendant and the Attorney General of the State of Alabama for the preparation of briefs.

I certify that a copy of this certificate has this date been served on counsel for each party to the appeal.

DATED this 3rd day of December, 2003

  
Circuit Clerk

HOUSTON

County

**THE STATE OF ALABAMA - - JUDICIAL DEPARTMENT**  
**THE ALABAMA COURT OF CRIMINAL APPEALS**

Porter  
60687

**CR-03-0200**

Douglas Edward Stevenson v. State of Alabama (Appeal from Houston Circuit Court: CC02-165.60; CC02-1166.60; CC02-1168.60; CC02-1169.60; CC02-1170.60).

**CERTIFICATE OF JUDGMENT**

WHEREAS, the appeal in the above referenced cause has been duly submitted and considered by the Court of Criminal Appeals; and

WHEREAS, the judgment indicated below was entered in this cause on January 23rd 2004:

**Affirmed by Memorandum.**

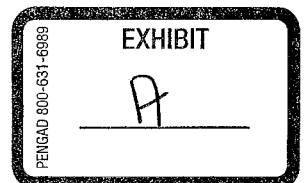
NOW, THEREFORE, pursuant to Rule 41 of the Alabama Rules of Appellate Procedure, it is hereby certified that the aforesaid judgment is final.

Witness, Lane W. Mann, Clerk  
Court of Criminal Appeals, on this  
the 11th day of February, 2004.



Clerk  
Court of Criminal Appeals  
State of Alabama

cc: Hon. Sidney Edward Jackson, Circuit Judge  
Hon. Judy Byrd, Circuit Clerk  
Douglas Edward Stevenson, Pro Se  
John M. Porter, Asst. Atty. Gen.



Form ARAP-26 (back) 8/91

## COURT OF CRIMINAL APPEALS DOCKETING STATEMENT

H. POSTJUDGMENT MOTIONS: List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rules 20.3 and 24.4 (ARCrP)).

DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION		
Month	Day	Year		Month	Day	Year

I. NATURE OF THE CASE: Without argument, briefly summarize the facts of the case.

*Handwritten text:* The defendant was charged with the murder of [illegible] and was found guilty of the same. The defendant was sentenced to life imprisonment. The defendant has been in prison since then.

J. ISSUE(S) ON APPEAL: Briefly state the anticipated issues that will be presented on appeal. (Attach additional pages if necessary.)

*Handwritten text:* The defendant is appealing the conviction and sentence. The defendant is arguing that the trial court erred in its decision to convict and sentence the defendant to life imprisonment.

K. SIGNATURE:

*Handwritten signature:* L. Brown PRO SE  
Signature of Attorney/Party Filing this Form

EXHIBIT  
A

State of Alabama Unified Judicial System Form ARAP-1C      8/91	<b>REPORTER'S TRANSCRIPT ORDER -- CRIMINAL</b> See Rules 10(c) and 11(b) of the Alabama Rules of Appellate Procedure (A.R. App.P.)	Criminal Appeal Number _____
---	--	---------------------------------

TO BE COMPLETED BY COUNSEL FOR THE APPELLANT OR BY THE APPELLANT IF NOT REPRESENTED AND FILED WITH THE WRITTEN NOTICE OF APPEAL OR FILED WITHIN 7 DAYS AFTER ORAL NOTICE OF APPEAL IS GIVEN.

☒ CIRCUIT COURT   ☐ DISTRICT COURT   ☐ JUVENILE COURT OF \_\_\_\_\_ COUNTY  
 \_\_\_\_\_, Appellant

V.   ☐ STATE OF ALABAMA   ☐ MUNICIPALITY OF \_\_\_\_\_

Case Number _____	Date of Judgment/Sentence/Order _____
Date of Notice of Appeal _____	Indigent Status Granted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Oral: _____	Written: _____

**PART 1. TO BE SIGNED IF THE APPEAL WILL NOT HAVE A COURT REPORTER'S TRANSCRIPT:**

I CERTIFY THAT NO REPORTER'S TRANSCRIPT IS EXPECTED AND THAT THE RECORD ON APPEAL SHALL CONSIST OF THE CLERK'S RECORD ONLY. IF THE APPEAL IS FROM DISTRICT COURT OR JUVENILE COURT, I ALSO CERTIFY (1) THAT A STIPULATION OF FACTS WILL BE INCLUDED IN THE CLERK'S RECORD AND THAT THE APPELLANT WAIVES HIS RIGHT TO A JURY TRIAL IF SO ENTITLED; OR (2) THAT THE PARTIES HAVE STIPULATED THAT ONLY QUESTIONS OF LAW ARE INVOLVED AND THAT THE QUESTIONS WILL BE CERTIFIED BY THE JUVENILE/DISTRICT COURT FOR INCLUSION IN THE CLERK'S RECORD (SEE RULE 28(A)(1), ALABAMA RULES OF JUVENILE PROCEDURE, AND §12-12-72, CODE OF ALABAMA 1975)

Signature \_\_\_\_\_ Date \_\_\_\_\_ Print or Type Name \_\_\_\_\_

**PART 2. DESIGNATION OF PROCEEDINGS TO BE TRANSCRIBED.** Request is hereby made to the court reporter(s) indicated below for a transcript of the following proceedings in the above referenced case (see Rule 10(c)(2), Alabama Rules of Appellate Procedure (A.R. App.P.)):

**MARK PROCEEDINGS REQUESTED:**

- A. ☐ **TRIAL PROCEEDINGS** - Although this designation will include the judgment and sentence proceedings, a transcript of the organization of the jury and arguments of counsel must be designated separately
- B. ☐ **ORGANIZATION OF THE JURY** - This designation will include voir dire examination and challenges for cause. Note that in noncapital cases the voir dire of the jury will not be recorded unless the trial judge so directs (See Rule 19.4, ARCrP)
- C. ☐ **ARGUMENTS OF COUNSEL** - Note that in noncapital cases the arguments of counsel will not be recorded unless the trial judge so directs (See Rule 19.4, ARCrP)

**COURT REPORTER(S)**

IN ADDITION TO ANY PROCEEDINGS DESIGNATED ABOVE, SPECIAL REQUEST IS HEREBY MADE TO INCLUDE THE FOLLOWING PROCEEDINGS IN THE REPORTER'S TRANSCRIPT PORTION OF THE RECORD ON APPEAL. (ATTACH ADDITIONAL PAGES IF NECESSARY):

ADDITIONAL PROCEEDINGS REQUESTED	DATE	COURT REPORTER(S)
D. _____	_____	_____
E. _____	_____	_____
F. _____	_____	_____
G. _____	_____	_____

**IMPORTANT NOTICE:** The court reporter who reported the proceedings for which a transcript is requested must be identified on this form to be effective. Additionally, it is important to note that the appellant may not be permitted to raise any issue on appeal relating to any proceedings in the case that are not specifically designated on this form for inclusion in the reporter's transcript. A general designation such as "all proceedings" is not sufficient. (See Rule 10(c)(2), A.R.App.P.)

**PART 3. MUST BE SIGNED IF THE APPEAL WILL HAVE A COURT REPORTER'S TRANSCRIPT:**

I CERTIFY THAT I HAVE DISTRIBUTED THIS FORM AS SET OUT BELOW. I ALSO CERTIFY (1) THAT I HAVE MADE SATISFACTORY FINANCIAL ARRANGEMENTS WITH EACH COURT REPORTER LISTED ABOVE FOR PREPARING HIS OR HER PORTION OF THE REPORTER'S TRANSCRIPT HEREIN REQUESTED; OR (2) THAT THE APPELLANT PROCEEDED AT TRIAL AS AN INDIGENT AND THAT THAT STATUS HAS NOT BEEN REVOKED; OR (3) THAT THE APPELLANT HAS BEEN GIVEN PERMISSION TO PROCEED ON APPEAL IN FORMA PAUPERIS.

Signature \_\_\_\_\_ Date \_\_\_\_\_ Print or Type Name \_\_\_\_\_


**DISTRIBUTION:** Original filed with Clerk of Trial Court and copies mailed to: (1) Clerk of the Court of Criminal Appeals, (2) the District Attorney, (3) the Attorney General or the municipal prosecutor in lieu of the District Attorney and the Attorney General if the appeal is from a municipal conviction, and (4) to each Court Reporter who reported proceedings designated for inclusion in the reporter's transcript

EXHIBIT  
A

CERTIFICATE OF SERVICE

I RONNIE LEE BROWN do hereby certify and confirm that on the date below I FILED A NOTICE OF APPEAL with the MORGAN COUNTY CIRCUIT COURT by placing the SAME in the JUDGE'S LEGAL MAIL BOX Addressed as below with PROPER POSTAGE PREPAID and correctly addressed.

EXECUTED AND DONE this 15<sup>th</sup> DAY OF JUNE 2006

  
RONNIE LEE BROWN 110936 PRO SE  
Hamilton Agent and informed  
223 SASSER DR.  
Hamilton, Alabama 35570

John Pat Orr

Clerk of the Court, Morgan County, Alabama

Per: JPO

Decatur, Alabama 35602

Exhibit A

7<sup>th</sup>

Leonard Brown



## CERTIFICATE OF SERVICE

I RONNIE LEE BROWN do hereby certify and confirm that on the date below I filed a WRIT OF HABEAS CORPUS in the Court of Criminal Appeals of Alabama, with true copies being served on all parties to the cause, by placing the same in the United States Mail, Postage Prepaid and addressed as below.

EXECUTED AND DONE THIS 2<sup>nd</sup> DAY OF SEPTEMBER 2006

Ronnie L. Brown

RONNIE LEE BROWN PRO SE 110936  
HAMILTON Aged and Retired D.O.B. 247  
223 SASSER DRIVE  
HAMILTON, ALABAMA 35570

Lane Mark, Clerk Court of Criminal Appeals  
PO Box 1555

PO Box 1555 Hamilton AL 35570

GRANTHAM DEON JAMES, JR. Clerk of the Court  
COF ALA COUNTY CIRCUIT COURT  
PO Box 668

DECATUR, ALABAMA 35602

OFFICE OF THE ATTORNEY GENERAL  
ALABAMA STATE HOUSE  
11 SOUTH UNION STREET  
MONTGOMERY, ALABAMA 36103-0152



Company Name: ATTORNEY GENERALS OFFICE

User ID: JIMPORTER

Last login Date: 5/6/

Main Menu

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- ☐ Attorney Search
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- ☐ Witness Search
- ☐ DocketSearch
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- ☐ Case Monitor
- ☐ Name Tracker
- ☐ Reminders

Desktop

- ☐ My Alacourt

Administration

- ☐ Update User Info

County: 52 - MORGAN



Case Number: 52-CC-2003-000205.61



Name: BROWN RONNIE LEE (110936)

Charge: RULE 32-FELONY

Case

See Case Detail Record from Alacourt.com version 1

Case Information

County:	52 MORGAN	Case N°:	CC-2003-000205.61	JID:	GET JUDGE GLENN
Filed:	10/23/2006	AAGCY:	C County	Muni N°:	00
Arrest date:		Offe date:		ORI:	0520000
Indict date:		Grand jury:		Atty 1:	
Tracking N°s:	0/0/0				
Date:		Que:		Time:	Desc:

Defendant Information

Name:	BROWN RONNIE LEE (110936)	Alias 1:	
DOB:	09/19/1954	SSN:	424-78-6895
Height :	0"	Weight:	0
SID:	AL110936	YDate:	
Address 1:	HAMILTON AGED & INFIRMED	Address 2:	223 SASSER RD
Zip:	35570	City:	HAMILTON
		State:	AL
		Driv License N°:	
		Race/Sex:	White / M
		AIS:	

Prosecutor and Attorney Info

Prosecutor:	BUR033	Name:	BURRELL ROBERT L	Prosecutor
Attorney 1:		Name:		Attorney 1
Attorney 2:		Name:		Attorney 2

Warrant Information

Warrant Date:		WARACT:		WARLOI
Warrant Date Code:	-	WARACT Code:	-	WARLOI
BP ISS:		BP RTN:		

Charges

1. Crime co:	RULE	Statute:	RULE 32-FELONY	Stat Name:	RULE 32
2. Crime co:		Statute:		Stat Name:	
3. Crime co:		Statute:		Stat Name:	
More:	N	Dom Viol:		Case Type:	F
Comment:					

Bonding Information

Bond amt:	0.00	Bond type:		Bond co:	
Rel date:		Sure:		CWIT:	
Jury Demand:				Appeal Type	

Settings

Disposition

Sentence

## Enforcement

### Consolidated Case Action Summary

#### Consolidated Case Action Summary<sup>rc</sup> 52CC200301

Date	Time	Code	Comments
11/14/2006	08:16:35	JUDG	ASSIGNED TO: (GET) JUDGE GLENN THOMPSON (AR01)
11/14/2006	08:16:36	FILE	CHARGE 01: RULE 32-FELONY/#CNTS: 001 (AR01)
11/14/2006	08:16:37	STAT	INITIAL STATUS SET TO: "P" - PRISON (AR01)
11/14/2006	08:16:38	FILE	FILED ON: 10/23/2006 (AR01)
11/14/2006	08:16:42	CASP	CASE ACTION SUMMARY PRINTED (AR10)
03/29/2007	08:17:47	DJID	DISPOSITION JUDGE ID CHANGED FROM: TO: GET
03/29/2007	08:17:48	COMM	OUT-OF-TIME APPEAL GRANTED (AR10)
03/29/2007	08:17:49	DISP	CHARGE 01: RULE 32-FELONY/#CNTS: 001 (AR10)
03/29/2007	08:17:50	DISP	CHARGE 01 DISPOSED BY: PET DENIED ON: 03/28/2007
03/29/2007	08:18:00	DISP	CHARGE 01: RULE 32-FELONY/#CNTS: 001 (AR10)
03/29/2007	08:18:01	DISP	CHARGE 01 DISPOSED BY: PET GRANTED ON: 03/28/2007

**Images** 52-CC-2003-000205.61

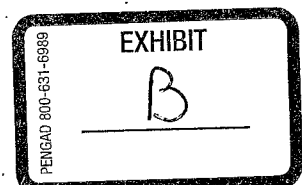
### Witness List

### Financial

### Motions

COURT OF CRIMINAL APPEALS NO. <u>CR 04-1992</u>		
APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS		
FROM		
CIRCUIT COURT OF <u>HOUSTON</u> COUNTY, ALABAMA		
CIRCUIT COURT NO. <u>CC 2002-165.61</u>		
CIRCUIT JUDGE <u>EDWARD JACKSON</u>		
Type of Conviction / Order Appealed From: <u>RULE 32</u>		
Sentence Imposed: <u>PETITION DISMISSED</u>		
Defendant Indigent: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
<u>STEVENSON, DOUGLAS EDWARD</u>		
PRO-SE	EASTERLING C.B.F.	NAME OF APPELLANT
(Appellant's Attorney)		
<u>200 WALLACE DR</u>		(Telephone No.)
(Address)		
<u>CLIQ,</u>	<u>AL.</u>	<u>36017</u>
(City)	(State)	(Zip Code)
V.		
<u>STATE OF ALABAMA</u>		
(State represented by Attorney General)		NAME OF APPELLEE
NOTE: If municipal appeal, indicate above, and enter name and address of municipal attorney below.		

(For Court of Criminal Appeals Use Only)



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ACR0372 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000165.61  
 OPER: RHM CASE ACTION SUMMARY  
 AGE: 1 CIRCUIT CRIMINAL RUN DATE: 05/09/2005  
 IN THE CIRCUIT COURT OF HOUSTON JUDGE: SEJ

STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD  
 CASE: CC 2002 000165.61 EASTERLING CORR. FAC.  
 P. O. BOX 10  
 CLIB, AL 36017-0000

DOB: 04/25/1957 SEX: M RACE: B HT: 5 08 WT: 180 HR: BLK EYES: BRO  
 SSN: 077506735 ALIAS NAMES:

CHARGE01: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001  
 OFFENSE DATE: AGENCY/OFFICER:

DATE WAR/CAP ISS: DATE ARRESTED:  
 DATE INDICTED: DATE FILED: 05/05/2005  
 DATE RELEASED: DATE HEARING:  
 BOND AMOUNT: \$ .00 SURETIES:

DATE 1: DESC: TIME: 0000  
 DATE 2: DESC: TIME: 0000

TRACKING NOS:

DEF/ATY:

TYPE:

TYPE:

00000

00000

PROSECUTOR: VALESKA DOUGLAS A

TH CSE: 000000000000 CHK/TICKET NO:  
 COURT REPORTER: SID NO: 0000000000 GRAND JURY:  
 DEF STATUS: JAIL DEMAND: Y OPER: RHM  
 DATE ACTIONS, JUDGEMENTS, AND NOTES

5-5-05	Petition for Relief from Conviction or sentence.
3/12/05	Altho the state has not yet filed a response to court barings D's Petition of successive habeas the state of immediate efforts to state a claim and particularly as it raises the same issue regarding the application of the holding of the 11th Cir. ruled up by the court 10/3/03. The court has never considered and correction of a David Thomas being attributed to the defendant. (5-17-05 N: Da. & Dept)
6-2-05	Motion to show cause order and to vacate order of dismissal of Rule 32.
6-9-05	Amended Rule 32 for facts and to correct record.
6/16/05	Motion denied. (6-17-05 N: Da. & Dept)

STATE OF ALABAMA VS DOUGLAS E. STEVENSON CC 2002-165.61

6-28-05 Written Notice of appeal, CCA docketing statement and CR transcript order.

*6/30/05 Free transcript order. [Signature]*

7-5-05 Clerk's notice of appeal, CCA docketing statement and CR transcript order to CCA, Ag and deft.

07-05-05 Clerk's record on appeal to CCA, AG and deft.

# PETITION FOR RELIEF FROM CONVICTION OR SENTENCE

(Pursuant to Rule 32,  
Alabama Rules of Criminal Procedure)

Case Number

ID    YR    NUMBER

IN THE ~~Circuit~~ CIRCUIT COURT OF Houston Co. ALABAMA

Douglas E. Stevenson vs. State of Alabama  
Petitioner (Full Name) Respondent

[Indicate either the "State" or,  
if filed in municipal court, the  
name of the "Municipality"]

Prison Number # 77 80 63 Place of Confinement Easterling Corr. Facility

County of conviction Houston County "Dothan" Alabama

NOTICE: BEFORE COMPLETING THIS FORM, READ CAREFULLY  
THE ACCOMPANYING INSTRUCTIONS.

1. Name and location (city and county) of court which entered the judgment of conviction or sentence under attack Dothan Alabama  
Houston County, Alabama
2. Date of judgment of conviction March 11, 2003
3. Length of sentence 15 years
4. Nature of offense involved (all counts) Recv. Stolen Prop. 2nd And  
Poss. of Forged Entr. 2nd.
5. What was your plea? (Check one)
  - (a) Guilty X
  - (b) Not guilty \_\_\_\_\_
  - (c) Not guilty by reason of mental disease or defect \_\_\_\_\_
  - (d) Not guilty and not guilty by reason of mental disease or defect \_\_\_\_\_



6. Kind of trial: (Check one)

(a) Jury \_\_\_\_\_

(b) Judge only X

7. Did you testify at the trial?

Yes \_\_\_\_\_

No X

8. Did you appeal from the judgment of conviction?

Yes \_\_\_\_\_

No X

9. If you did appeal, answer the following:

(a) As to the state court to which you first appealed, give the following information:

(1) Name of court \_\_\_\_\_

N/A

N/A

(2) Result \_\_\_\_\_

N/A

(3) Date of result \_\_\_\_\_

N/A

(b) If you appealed to any other court, then as to the second court to which you appealed, give the following information:

(1) Name of court \_\_\_\_\_

N/A

(2) Result \_\_\_\_\_

N/A

(3) Date of result \_\_\_\_\_

N/A

(c) If you appealed to any other court, then as to the third court to which you appealed, give the following information:

(1) Name of court \_\_\_\_\_

N/A

(2) Result \_\_\_\_\_

N/A

(3) Date of result \_\_\_\_\_

N/A

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, application, motions with respect to this judgment in any court, state or federal?

Yes \_\_\_\_\_

No ☒

11. If your answer to Question 10 was "yes", then give the following information in regard to the first such petition, application, or motion you filed:

(a) (1) Name of court N/A

(2) Nature of proceeding N/A

(3) Grounds raised N/A

(attach additional sheets if necessary)

- (4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes \_\_\_\_\_

No N/A

(5) Result N/A

(6) Date of result N/A

- (b) As to any second petition, application, or motion, give the same information:

(1) Name of court N/A

(2) Nature of proceeding N/A

(3) Grounds raised N/A

(attach additional sheets if necessary)

- (4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes \_\_\_\_\_

No ☒

(5) Result N/A

(6) Date of result N/A

- (c) As to any third petition, application, or motion, give the same information (attach additional sheets giving the same information for any subsequent petitions, applications, or motions):

(1) Name of court N/A

(2) Nature of proceeding \_\_\_\_\_

(3) Grounds raised \_\_\_\_\_

N/A

(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes \_\_\_\_\_

No ☒

(5) Result \_\_\_\_\_

N/A

(6) Date of result \_\_\_\_\_

N/A

(d) Did you appeal to any appellate court the result of the action taken on any petition, application, or motion?

(1) First petition, etc.

Yes \_\_\_\_\_

No ☒

(2) Second petition, etc.

Yes \_\_\_\_\_

No ☒

(2) Third petition, etc.

Yes \_\_\_\_\_

No \_\_\_\_\_

ATTACH ADDITIONAL SHEETS GIVING THE SAME INFORMATION  
FOR ANY SUBSEQUENT PETITIONS, APPLICATIONS, OR MOTIONS.

(e) If you did not appeal when you lost on any petition, application, or motion, explain briefly why you did not:

N/A

12. Specify every ground on which you claim that you are being held unlawfully, by placing a check mark on the appropriate line(s) below and providing the required information. Include all facts. If necessary, you may attach pages stating additional grounds and the facts supporting them.

## GROUND S OF PETITION

Listed below are the possible grounds for relief under Rule 32. Check the ground(s) that apply in your case, and follow the instruction under the ground(s):

- \_\_\_\_\_ A. The Constitution of the United States or of the State of Alabama requires a new trial, a new sentence proceeding, or other relief.

For your information, the following is a list of the most frequently raised claims of constitutional violation:

- (1) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and consequences of the plea.
- (2) Conviction obtained by use of coerced confession.
- (3) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (4) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (5) Conviction obtained by a violation of the privilege against self-incrimination.
- (6) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (7) Conviction obtained by a violation of the protection against double jeopardy.
- (8) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (9) Denial of effective assistance of counsel.

This list is not a complete listing of all possible constitutional violations.

If you checked this ground of relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each constitutional violation that you claim, whether or not it is one of the nine listed above, and include under it each and every fact you feel supports this claim. Be specific and give details.

yes

- B. The court was without jurisdiction to render the judgment or to impose the sentence.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

yes

- C. The sentence imposed exceeds the maximum authorized by law, or is otherwise not authorized by law.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

- \_\_\_\_\_ D. Petitioner is being held in custody after his sentence has expired.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

- \_\_\_\_\_ E. Newly discovered material facts exist which require that the conviction or sentence be vacated by the court, because:

The facts relied upon were not known by petitioner or petitioner's counsel at the time of trial or sentencing or in time to file a post-trial motion pursuant to rule 24, or in time to be included in any previous collateral proceeding, and could not have been discovered by any of those times through the exercise of reasonable diligence; and

The facts are not merely cumulative to other facts that were known; and

The facts do not merely p[er]tinent to impeachment evidence; and

If the facts had been known at the time of trial or sentencing, the result would probably have been different; and

The facts establish that petitioner is innocent of the crime for which he was convicted or should not have received the sentence that he did.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

\_\_\_\_ F. The petitioner failed to appeal within the prescribed time and that failure was without fault on petitioner's part.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

13. IMPORTANT NOTICE REGARDING ADDITIONAL PETITIONS RULE 32.2(b) LIMITS YOU TO ONLY ONE PETITION IN MOST CIRCUMSTANCES. IT PROVIDES:

"Successive Petitions. The court shall not grant relief on a second or successive petition on the same or similar grounds on behalf of the same petitioner. A second or successive petition on different grounds shall be denied unless the petitioner shows both that good cause exist why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and that failure to entertain the petition will result in a miscarriage of justice."

A. Other than an appeal to the Alabama Court of Criminal Appeals or the Alabama Supreme Court, have you filed in state court any petition attacking this conviction or sentence?

Yes \_\_\_\_\_

No X

B. If you checked "Yes," give the following information as to earlier petition attacking this conviction or sentence:

(a) Name of court X N/A

(b) Result N/A

(c) Date of result NA  
(attach additional sheets if necessary)

C. If you checked the "Yes" line in 13A, above, and this petition contains a different ground or grounds of relief from an earlier petition or petitions you filed, attach a separate sheet or sheets labeled: "EXPLANATION FOR NEW GROUND(S) OF RELIEF."

On the separate sheet(s) explain why "good cause exists why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and (why the) failure to entertain [this] petition will result in a miscarriage of justice."

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes \_\_\_\_\_

No X

Case Number

ID	YR	NUMBER
(To be completed by Court Clerk)		

## IN FORMA PAUPERIS DECLARATION

HOUSTON CIRCUIT COURT

(Insert appropriate court)

Douglas E. Stevenson  
(Petitioner)

vs.

STATE OF ALABAMA  
(Respondent(s))DECLARATION IN SUPPORT OF REQUEST TO PROCEED  
IN FORMA PAUPERIS

I, DOUGLAS E. STEVENSON, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? Yes \_\_\_\_\_ No ✓

a. If the answer is "yes", state the amount of your salary or wages per month; and give the name and address of your employer.

NONE

b. If the answer is "no", state the date of last employment and the amount of the salary and wages per month which you received.

NONE

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession, or other form of self-employment?

Yes \_\_\_\_\_ No ✓

b. Rent payments, interest, or dividends?

Yes \_\_\_\_\_ No ✓

c. Pensions, annuities, or life insurance payments?

Yes \_\_\_\_\_ No ✓

d. Gifts or inheritances?

Yes \_\_\_\_\_ No ✓

e. Any other sources?

Yes \_\_\_\_\_ No ✓

If the answer to any of the above is "yes", describe each source of money and state the amount received from each during the past twelve months.

3. Do you own cash, or do you have money in a checking or savings account?

Yes \_\_\_\_\_

No ☒

(Include any funds in prison accounts.)

If the answer is "yes", state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes \_\_\_\_\_

No ☒

If the answer is "yes", describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on ~~May 1~~ April 16, 2005 (Date)

Douglas E. Stevenson  
Signature of Petitioner.

228063

#### CERTIFICATE

I hereby certify that the petitioner herein has the sum of \$ 0.05 on account to his credit at the institution where he is confined. I further certify that petitioner likewise has the foregoing securities to his credit according to the records of said Easterling institution:

See attached

4.18.05

DATE

Myron S. Peters  
AUTHORIZED OFFICER OF INSTITUTION



15. Give the name and address known, of each attorney who represented you at the following stages of the case that resulted in judgment under attack:
- (a) At preliminary hearing \_\_\_\_\_
- (b) At arraignment and plea \_\_\_\_\_
- (c) At trial \_\_\_\_\_
- (d) At sentencing See Clerk Record
- (e) On appeal \_\_\_\_\_
- (f) In any post-conviction proceeding \_\_\_\_\_
- (g) On appeal from adverse ruling in a post-conviction proceeding \_\_\_\_\_
16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?
- Yes X No ~~X~~
17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?
- Yes \_\_\_\_\_ No X
- (a) If so, give name and location of court which imposed sentence to be served in the future: \_\_\_\_\_
- NONE
- (b) And give date and length of sentence to be served in the future: \_\_\_\_\_
- NONE
- (c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?
- Yes \_\_\_\_\_ No X
18. What date is this petition being mailed?
- 3-22-08

Wherefore, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.



IN THE CIRCUIT COURT OF  
Houston County, Alabama

**FILED**

MAY 05 2005

*Judy Byrd*  
JUDY BYRD, CLERK  
HOUSTON CO., AL

Douglas E. Stevenson

Petitioner

- vs -

State of Alabama

Respondent

Case No. CC-02-165 ~~170~~

### Rule 32 Petition

Come now Douglas E. Stevenson, Petitioner, and Pursuant To Post Conviction Relief Petition The Honorable Court To Issue a full order Setting this Case for a Hearing under Rule 32.9(a).

The Following Grounds as stated under Alabama Law Demand a Full Hearing, and the Resentencing of Petitioner the Following:

#### Ground one

The Court was without Jurisdiction to Impose a (15) Fifteenth Year Term of Imprisonment for a Class "C" Felony.

PAGE 2

THE CIRCUIT COURT OF HOUSTON COUNTY, ALABAMA UNDER CC-02-165 FOR REC. STOLEN PROPERTY II IMPOSED A 15 YEAR SENTENCE IN STATE PRISON FOR A CLASS C FELONY IS A YEAR AND A DAY, THE MAXIMUM TERM IS ONLY TEN YEARS. THEREFORE THE COURT WAS WITHOUT JURISDICTION TO IMPOSE A SENTENCE OF 15 YEARS FOR REC. STOLEN PROPERTY II, POSS. OF FORGED INSTRUMENTS.

THE COURT HAD NO JURISDICTION WHERE IT IS MANDATORY UNDER THE STATUTE CODE OF ALABAMA 1975 SECTION 13A-5-9 TO SHOW AND PROVE CERTIFIED OUT OF STATE CONVICTIONS. THE STATE OF ALABAMA IS REQUIRED TO SHOW AND PROVE THAT I HAD PRIOR FELONY CONVICTIONS, AND WAS SENTENCED, CONVICTED AND REPRESENTED BY COUNSEL.

PETITIONER NEVER ADMITTED TO ANY PRIOR FELONY CONVICTIONS. I HAVE BEEN ARRESTED BUT I DON'T HAVE ANY FELONY CONVICTIONS, AND THE STATE NEVER SHOWED ANY TO THE COURT FOR ME TO ADMIT TO. THEREFORE THE SENTENCE FOR 15 YEARS IS CLEARLY ILLEGAL. CODE OF ALABAMA 1975 SECTION 13A-5-6(C)(3) DEMANDS A MAXIMUM OF ONLY TEN YEARS. EXHIBIT "C" IS PROOF THAT JUDGE JACKSON DIDN'T HAVE ANY PRIORS BUT USED FALSE INFORMATION OF A PERSON NAMED DAVID THOMAS AND "A".

PAGE 3

GROUND TWO  
THE SENTENCE TO 15 YEARS FOR A  
CLASS -C- FELONY IS ILLEGAL

THE CIRCUIT COURT OF HOUSTON COUNTY, ALABAMA USED A PRIOR CONVICTION THAT IS NOT A DOCUMENT TO WHICH BELONGS TO PETITIONER. [SEE EXHIBIT "A"] THE DOCUMENTS [SEE EXHIBIT "B"] WERE USED BY MOUTH TO ENHANCE PETITIONER'S CLASS "C" FELONY OFFENSE TO A TERM OF 15 YEARS.

THE MAXIMUM TERM FOR REC. STOLEN PROPERTY IS ONLY (10) TEN YEARS. THE CIRCUIT COURT IMPOSING A TERM OF 15 YEARS FOR A CLASS C FELONY IS ILLEGAL AND UNAUTHORIZED BY LAW.

THE TRUE FACTS IS YOUR PETITIONER HAS NEVER BEEN CONVICTED OF A FELONY OFFENSE IN ANY STATE OF THESE UNITED STATES, PRIOR TO THE CONVICTION IMPOSED FROM HOUSTON COUNTY, ALABAMA.

THE CIRCUIT COURT WAS WITHOUT JURISDICTION WHERE 13A-5-9 IS MANDATORY BY CONVICTIONS FROM OUT OF STATE, AND FOREIGN JURISDICTION. THE STATE DIDN'T INTRODUCE CERTIFIED PRIOR CONVICTIONS, AND THE RECORD IS SILENT OF ANY ENHANCEMENTS. THE CLASS C FELONY FOR 15 YEARS IS ILLEGAL.

PAGE 4

## RELIEF

1. THE COURT TO ISSUE A ORDER FOR THE STATE TO SHOW BEFORE THIS COURT THE PRISRS.
2. THE COURT SET THIS CASE FOR A FULL HEARING ON THE COURT'S DOCKET.
3. THE JUDGE TO ISSUE AN ORDER TO TRANSPORT PETITIONER BACK BEFORE THE COURT FOR A HEARING.
4. THE COURT TO APPOINT COUNSEL TO REPRESENT PETITIONER.
5. THE COURT TO TAKE JUDICIAL NOTICE THAT PETITIONER'S CLAIM IS JURISDICTIONAL.

RESPECTFULLY  
Douglas E. Stevenson

DOUGLAS E. STEVENSON  
200 WALLACE DR.  
CLIO, AL. 36017

DATED MARCH 22 2005

JUL 01 2002 16:07.

STATE DEPT REG MGMT - 609 530 6121

99736935963

P.14

MAIL

Page 2 (See Page 1, Ind. 2211-78 and  
Reasons: Pages 5 and 6) and Page 3, Ind. 2209-89)NEW JERSEY SUPERIOR COURT  
ESSEX COUNTY LAW DIVISION-  
CRIMINAL

Indictment No. 2210-78

Accusation No.

S.B.I. No.

DATE OF ARREST

"A"

THE STATE OF NEW JERSEY )

v. )

DAVID A. THOMAS )

## JUDGMENT

The defendant on 3/30/79 having entered a plea of NOT GUILTY  
to indictment #2210-78 for the crime of (CT. #1), RAPE  
(NJS: 2A:138-1); (CT. #2), ARMED (NJS: 2A:151-5); (CT. #3), KIDNAPPING;  
(CT. #4), POSSESSION DANGEROUS WEAPON; (CT. #5), ROBBERY; (CT. #6);  
ARMED;

and the defendant having on 7/27/79 RETRACTED PLEA OF NOT GUILTY AND  
ENTERED A PLEA OF GUILTY TO: (CT. #1), RAPE; (CT. #2), ARMED, . . . .

It is therefore, on OCTOBER 30, 1979 Ordered and Adjudged that the  
defendant be and is sentenced to:

(CT#1) -- STATE PRISON, TRENTON, FOR NOT LESS THAN FOUR (4) YEARS,  
NOT MORE THAN FIVE (5) YEARS. CONSECUTIVE TO SENTENCES ON COUNTS #2  
& #3 OF INDICTMENT #2211-78.  
(CT#2) -- STATE PRISON, TRENTON, FOR NOT LESS THAN FOUR (4) YEARS,  
NOT MORE THAN FIVE (5) YEARS. CONSECUTIVE TO SENTENCES ON COUNTS #2  
& #3 OF INDICTMENT #2211-78 AND COUNT# 1 OF INDICTMENT #2210-78

DEFENDANT HATED RIGHTS TO BE SENTENCED UNDER NEW CODE.

INDICTMENT #2210-78 -- DAVID A. THOMAS -- (CT#3) KIDNAPPING; (CT#4)  
POSSESSION DANGEROUS WEAPON; (CT#5) ROBBERY; (CT#6) ARMED WHILE  
ROBBERY; DISMISSED ON MOTION OF THE PROSECUTOR PURSUANT  
PLEA AGREEMENT OF 7-27-79.

STATEMENT OF REASONS REQUIRED BY  
R.3:21-4(a) APPEARS ON THE REVERSE SIDE

ATTORNEY FOR DEFENDANT  
Upon entry of Guilty Plea or Conviction

H. EGENBERG

At time of Sentencing

H. EGENBERG

GLORIA MURPHY/STEVEN ROSENFELD  
Prosecutor

JOY R. GRAHAM  
Court Clerk

Defendant to receive  
R.3:21-8 Credit for  
time spent in custody  
from

To

Days credit

HON. EDWARD J. NEAGLE, JR., PRES.

County Clerk

OCTOBER 30, 1979

Date

TRUE COPY

VS

JUDGE: MJ

0000

11-19-02 On States' motion for reconsideration a hearing is  
set for 11-20-2002 at 2:00 pm. Clerk to notify.  
11-19-02 copy of CAS put in DAO H.B. box

3

11-20-02-

After a hearing, the cl. Finds that the Gov. Court identifies on D, David Thomas, and the Finger prints analysis is conclusive of the D's identity, the dismissal of 11-18-02 is hereby set aside and D to be held for N.J. authorities.

11-20-02  
Dawn

6-25-03

New Jersey having picked up the Defendant, case is hereby dismissed. Notify —

Dawn  
7-1-03

 Judge

District Court

State of Alabama, Houston County

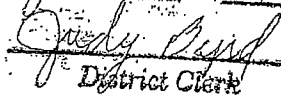
I Judy Byrd, Clerk of The District Court, hereby

certify that this is a true and correct copy of

Case Action Summary

filed in this Court on David Thomas

This the 10<sup>th</sup> day of June, 2004

  
Judy Byrd  
District Clerk



ACR359

**COPY**ALABAMA JUDICIAL DATA OF  
HOUSTON COUNTY  
TRANSCRIPT OF RECORD  
CONVICTION REPORT

"C"

DC 2001 000145.00 01  
SIDNEY E. JACKSON

CIRCUIT COURT OF HOUSTON COUNTY				COURT ORI: 038015 J	
STATE OF ALABAMA VS. STEVENSON DOUGLAS EDWARD				DC NO: DC 2001 002504.00	
7 HOUSTON COUNTY JAIL DOTHAN, AL 36302				G J: 0000000052	
				SSN: 077366733	
				SID: 0000000000	
				AIS: 0000000000	
DOB: 0472371957 SEX: M HT: 5 08 WT: 180 HAIR: BLK EYE: BRO					
RACE: ( ) W (X) B ( ) D COMPLEXION: AGE: FEATURES:					
DATE OFFENSE: 10/09/2001 ARREST DATE: 10/13/2001 ARREST ORI: 0380100					
CHARGES & CONV		CITES	CT CL COURT ACTION	CA DATE	
REC STOLEN PROP 2M		13A-008-018	01 C GUILTY PLEA	03/11/2003	
			00	00/00/0000	
			00	00/00/0000	
JUDGE: SIDNEY E. JACKSON			PROSECUTOR: BINFORD HENRY D		
PROBATION APPLIED	GRANTED	DATE	REARRESTED DATE	REVOKED	DATE
( ) Y (X) N	( ) Y (X) N		( ) Y (X) N	( ) Y (X) N	
15-16-2, CODE OF ALA 1975		IMPOSED	SUSPENDED	TOTAL	JAIL CREDIT
( ) Y (X) N CONFINEMENT:		15 00 000	00 00 000	15 00 000	00 00 338
PROBATION :		00 00 000		00 00 000	
DATE SENTENCED: 03/11/2003		SENTENCE BEGINS: 03/11/2003			
PROVISIONS		COSTS/RESTITUTION		DUE	ORDERED
PENITENTIARY		RESTITUTION		\$0.00	\$0.00
HABITUAL OFDR		ATTORNEY FEE		\$0.00	\$0.00
		CRIME VICTIMS		\$750.00	\$750.00
		COST		\$273.00	\$273.00
		FINE		\$1500.00	\$1500.00
		MUNICIPAL FEES		\$0.00	\$0.00
		DRUG FEES		\$0.00	\$0.00
		ADDTL DEFENDANT		\$0.00	\$0.00
		DA FEES		\$0.00	\$0.00
		COLLECTION ACCT		\$0.00	\$0.00
		JAIL FEES		\$0.00	\$0.00
		TOTAL		\$2523.00	\$2523.00
APPEAL DATE		SUSPENDED	AFFIRMED		REARREST
( ) Y (X) N		( ) Y (X) N	( ) Y (X) N		( ) Y (X) N
REMARKS:					
THIS IS TO CERTIFY THAT THE ABOVE INFORMATION WAS EXTRACTED FROM OFFICIAL COURT RECORDS AND IS TRUE AND CORRECT.					
DEFENDANT TO SERVE 15 YEARS IN THE STATE OF ALABAMA PENITENTIARY					
DEFENDANT SENTENCED UNDER THE HABITUAL OFFENDER ACT.					
Judy Byrd JUDY BYRD 03/17/2003 Circuit Court					

OPERATOR: AML

PREPARED: 03/17/2003

State of Alabama, Houston County

I Judy Byrd, Clerk of The Circuit Court, hereby  
certify that this is a true and correct copy ofTranscript of Recordfiled in this Court on Douglas Edward StevensonThis the 17th day of March, 2003.Judy Byrd  
Circuit Clerk



# PETITIONER'S VERIFICATION UNDER OATH SUBJECT TO PENALTY FOR PERJURY

I swear (or affirm) under penalty of perjury that the foregoing is true and correct.

Executed on April 20, 2005  
(Date)

April 20, 2005

Louglas E. Stevenson  
Signature of Petitioner

SWORN TO AND SUBSCRIBED before me this the 20 day of April, 2005

B. L. Jamn  
Notary Public

OR \*

## ATTORNEY'S VERIFICATION UNDER OATH SUBJECT TO PENALTY FOR PERJURY

I Swear (or affirm) under penalty of perjury that, upon information and belief, the foregoing is true and correct. Executed on \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature of Petitioner's Attorney

SWORN TO AND SUBSCRIBED before me this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

Name and address of attorney representing petitioner  
in this proceeding (if any)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* If petitioner is represented by counsel, Rule 32.6(a) permits either petitioner or counsel to verify the petition.

3/12/05

Although the State has not yet filed a response to Count  
 damages D's letter of successive from the statute  
 of limitations. It is to state a claim, and particularly as  
 it raises the same issue regarding the application of  
 the holding of the court ruled on by the court 10/3/03.  
 This court has never considered any connection  
 of a David Thomas being attributed to the Defendant.

LS-17-05 N: Da & Dep

*[Signature]*

IN THE DISTRICT COURT OF HASTON COUNTY  
ALABAMA

Douglas E. Stevenson  
Petitioner

VS.

State of Alabama  
Respondents

Case No. CC-02-0165-61

**FILED**

JUN 02 2005

*Judy Byrd*  
JUDY BYRD, CLERK  
HOUSTON CO., AL

Motion To Show Cause Order And  
To Vacate order of Dismissal

Come Now Petitioner Douglas E. Stevenson And Petition The Honorable Judge Jackson to Withdraw His order dismissing the Rule 32. The Below listed Facts Show good Cause, the following.

1. Code of Al. 1975 Section 13A-5-9(c)(1) It is Required That all prior convictions must be shown to the court.
2. The Sentence maximum Allowed By Law for A Class C Felony is only Ten years. The Conviction for 15 years for a Class C Felony exceeds the Maximum Authorized By Law.

Continue on next page  
1 - of - 2

IC.No. CC-02-0165. )

3. The State Has Not Respond to the Merits Because they knew the Sentence to 15 years is UNAUTHORIZED. And Exceeds the Maximum allowed By Law. The Maximum that I could Have Received is only Ten years for a Class C. Felony.
4. The Law in the State of Alabama has been settled See John v. State, 724 So.2d 75 (ALA. Crim. App. 1993)  
The Courts have long held that an illegal Sentence is Jurisdictional and must Be Heard and address on the Merits. The Court Further Held that there is no Bar Based on Successive Petition.
5. The Judge's order don't show the Prrors that Douglas E. Stevenson has been convicted of. The Reason the State, nor the Court Has not presented Any in the Records. Your Petitioner don't Have the First Felony From Any State to use for Enhancement.

Therefore the 15 year Sentence for a Class C Felony offense is illegal and must be Vacated.

Continue on The Next page

2-837-3---

Case No. CC-02-0165-61

### RELIEF DUE BY LAW

1. The Judge to Enter a Full order Showing The Documents of Prior Convictions For Enhancement Under The HFOA Act.
2. The Judge to Vacate the order dismissing and to place this ~~case~~ Cause on the Court Docket For a Hearing.
3. The Judge to Issue an order for the State to produce and provide each prior Felony Conviction of Douglas E. Stevenson as Required By Law.

The Court is Bond By Law To Withdraw the order Entered on May 12, 2005 And to Set this matter for a Hearing.

Respectfully Submitted

Douglas E. Stevenson

# 228063 - T-B-99

Easterling Corr. Facility

200 Wallace Drive

Cllo, Alabama 36017

3 of 3 p...

IN THE CIRCUIT COURT OF Houston County  
STATE OF ALABAMA.

Douglas E. Stevenson  
Petitioner, Defendant  
Pro Se,  
VS.

Case No. CC-2002-165, ~~1166~~, 1166,  
1168-770,

State of Alabama  
Respondent

**FILED**

JUN 09 2005

AMENDED RULE 32 FOR FACTS  
AND TO CORRECT RECORDS

Judy Byrd  
JUDY BYRD, CLERK  
HOUSTON CO., AL

Comes Now Douglas Edward Stevenson And Amend The Rule 32 For Facts That must be corrected BASED ON Code of Alabama 1975 Section 13A-5-9 Which is Mandatory, And Alabama Rules of Court. It is Mandated that the Court must Inform the defendant to the Law and how it APPLY. The Court Failed to Inform your Defendant at Sentencing the Following:

1. The State must prove that you have Felony PRIORS.
2. The State must Prove That you were Represented By Counsel at Sentencing.
3. The out of State Felonies must be considered to be EITHER MISDERMEANORS OR Felonies For the State of Alabama.

LEGAL FACTS THAT HAVE NOT BEEN  
PLACED IN THE GUILTY PLEA TRANSCRIPT.

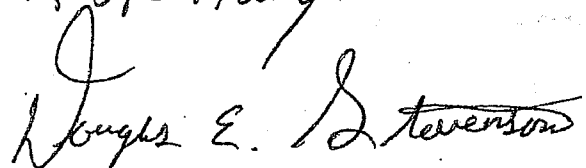
1. Petitioner's Admission to Priors Were For the Misdemeanors From NEW YORK.
2. Petitioner Was Never Convicted of Any Prior Felony Convictions IN The State of New York. See Exhibit "A" 6 pgs.
3. The State of Alabama Never INVOKED any Felony Priors From New York, Nor, Alabama.
4. The Judge at NO TIME DURING THE TAKING OF THE GUILTY PLEA PROVIDED ANY STATUTORY LANGUAGE OF 13 A-5-9 AS TO HOW THE HFOA IS APPLIED IN The State of ALABAMA;

The Sentence IS Illegal Due to Petitioner's Admissions OF Misdemeanors From the State of New York don't constitute Priors For Enhancement Purposes.

The Sentence IS Illegal Due to Alabama Law Under Out of State Convictions By Statutes Mandatory Requirements

Therefore. The Court IS Bound to Resentence  
Petitioner to the Minimum And Maximum of A Class  
"C" Felony. The State Can't Produce Any Priors  
to Show Any Felony Convictions, And Petitioner's  
Admission IS FALSE FOR FELONY CONVICTIONS AS  
Exhibits Clearly Proves.  
The 15 Year Sentence is Illegal.

Respectfully

  
Douglas E. Stevenson

---

Douglas E. Stevenson  
#228063 - 7B-99

200 Wallace Drive

Chlo, Alabama 36017

cc: Mr.

D.E.S.



EXHIBIT

-A- 6 pages.

EXHIBIT 7

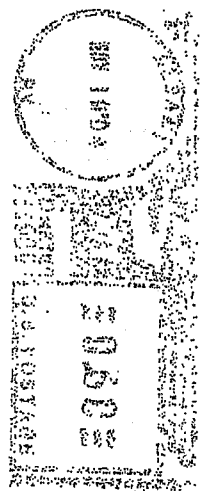
-A- 28-

Exhibit - 1- of 6.

STATE OF NEW YORK  
DIVISION OF CRIMINAL  
JUSTICE SERVICES  
4 TOWER PLACE  
ALBANY, NY 12203-3764

Ph. # (518-485-7675)

NYSED# 3914934-X



Eastwing Correctional Facility  
200 Wallace Drive  
Clis, Alabama  
36017

Longleaf Haven 228063-7-B-110

DCJS-1897 (2/98)

Exhibit 2- of 6.

4-04 2244



STATE OF NEW YORK  
DIVISION OF CRIMINAL JUSTICE SERVICES  
4 TOWER PLACE  
ALBANY, NEW YORK 12203-3764

**TO:** Record Review Requestor  
**FROM:** Supervisor, Administration Unit - Identification  
and Criminal History Bureaus  
**SUBJECT:** Review of Personal Criminal History Record

Enclosed is a copy of your criminal history record as maintained by the New York State Division of Criminal Justice Services (DCJS). You will observe that it does not contain any personal identifying information which could be used to link the record to you in the event that it falls out of your possession.

If you wish to challenge the accuracy or completeness of any information contained in your record, please complete the enclosed **Record Review and Statement of Challenge** form, and return it to the attention of the Supervisor, Administration Unit at the above address.

Challenges to case disposition information, or its absence, must be supported by the submission to DCJS of a certified disposition document from the court of adjudication. The document must be an original containing the embossed seal of the court and the signature of either the presiding judge or court clerk.

Challenges to arrest charges should be directed to the law enforcement agency that reported the charges to DCJS. We cannot modify arrest charges unless written authorization to do so is received from the reporting agency.

If your record is corrected or completed as a result of a successful challenge, you will receive a corrected copy of your criminal history record from DCJS.

GB/kmc

*Exhibit -3 of 6**8 copies*

NY State Division of Criminal Justice Services  
 Record Review/Challenge Unit - 5th Floor  
 4 Tower Place  
 Albany, New York 12203-3702

DATE: 12/16/04	NAME: STEVENSON, DOUGLAS	ID# 228063
----------------	--------------------------	------------

FACILITY: EASTERLING CORR FAC. 200 WALLACE DR., CLIO, ALABAMA 36017
--

NYSID#: 3914934Y
------------------

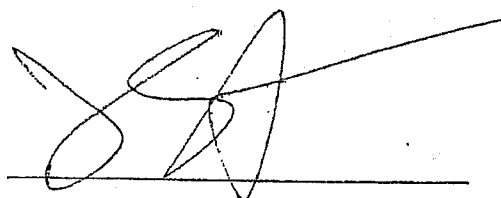
RESPONSE TO CHALLENGE/CORRESPONDENCE DATED: 11/22/04

Event Date(s): Criminal History Record

Attached is the "Request for Record Review" form that you submitted for your "Record Review". I have highlighted the NOTE found on the request form advising you that no personal identifying information would be included on our response. The sole purpose of a "Record Review" is to review the criminal history information, maintained on file at the NYS Division of Criminal Justice Services, for completeness and correctness.

DCJS is New York State's repository for criminal history information. To receive criminal history information from another state you will need to do a FBI - Record Review. The address is 1000 Custer Hollow Road, Clarksburg, West Virginia 26306. Please contact them to resolve this issue.

DCJS is the repository for criminal history information. You will need to contact the issuing agency ( courts, police departments etc.) in regard to parole violations, detainers, holds, etc.



James W. Stanco  
 Chief, Special Services Bureau

Exhibit - 4 - OF 6.

DATE 12-14-04  
TIME 1058STATE OF NEW YORK  
DIVISION OF CRIMINAL JUSTICE SERVICESTRAN NO RM076  
PAGE 1

CONFIDENTIAL TO: RECORD REVIEW

NYSID 3914934Y

&lt; &lt; &lt; &lt; &lt; &lt; CRIMINAL HISTORY &gt; &gt; &gt; &gt; &gt; &gt;

ARREST INFORMATION	ARREST/ARRAIGNMENT CHARGES	DISPOSITION AND RELATED DATA
ARR DT/PL 10-03-75 BRONX	PETIT LARCENY PL 155.25 CLASS A MISD NO SUB NCIC 2399	10-03-75 DISPOSITION CRIM CRT BRONX DKT # X532006 INITIAL REPORT OF DOCKET NUMBER
CRM DATE: 10-03-75 CRIME PLACE: BRONX	CRIMINAL MISCHIEF-4TH PL 145.00 CLASS A MISD NO SUB NCIC 2999	
ARR#/AGY 04234424 NYCPD PCT 042		
CRT CON# 02008142L		
FAX NO B024368		
ARR DT/PL 03-10-79 BRONX	POSSESSION STOLEN PROPERTY-1ST PL 165.50 CLASS D FEL NO SUB NCIC 2804	11-29-79 DISPOSITION CRIM CRT BRONX DKT # X908257 DISMISSED CPL160.50
CRM DATE: 03-10-79 CRIME PLACE: BRONX	CRIMINAL MISCHIEF-4TH PL 145.00 CLASS A MISD NO SUB NCIC 2999	THE FOLLOWING CHARGE(S): CRIM MIS:INTENT DAMAGE PROPRTY PL 145.00 SUB 01 CLASS A MISD NCIC 2999
ARR#/AGY 04407512 NYCPD PCT 044		UNAUTHORIZED USE OF A VEHICLE PL 165.05 NO SUB CLASS A MISD NCIC 2411
CRT CON# 04342537Z		POSSESSION STOLEN PROPERTY-3RD PL 165.40 NO SUB CLASS A MISD NCIC 2804 (REDUCED FROM: POSSESSION STOLEN PROPERTY-1ST PL 165.50 NO SUB CLASS D FEL NCIC 2804)
FAX NO B005362		06-14-93 CRIM CRT BRONX DKT # X908257 SEALED UPON TERMINATION OF CRIMINAL ACTION IN FAVOR OF THE ACCUSED CPL160.50
		06-22-79 CRIM CRT BRONX DKT # X908258 BENCH WARRANT ISSUED
		05-10-79 CRIM CRT BRONX DKT # X908258 BENCH WARRANT ISSUED

(CONT. NEXT PAGE)

Exhibit - 5 of 6.

DATE 12-14-04

NYSID 3914934Y

PAGE 2

< < < < < < CRIMINAL HISTORY > > > > > >		
ARREST INFORMATION	ARREST/ARRAIGNMENT CHARGES	DISPOSITION AND RELATED DATA
		05-25-79 CRIM CRT BRONX DKT # X908258 RETURNED ON WARRANT
		03-11-79 CRIM CRT BRONX DKT # X908257 INITIAL REPORT OF DOCKET NUMBER
		05-10-79 CRIM CRT BRONX DKT # X908257 BENCH WARRANT ISSUED, DISPOSITION PENDING
		ATTORNEY TYPE: LEGAL AID
ARR DT/PL 03-26-80 MOUNT VERNON	PETIT LARCENY PL 155.25 NO SUB CLASS A MISD NCIC 2399	05-05-80 MT VERNON CITY CRT DKT # 477-80 CONVICTED UPON PLEA OF GUILTY
CRM DATE: 03-26-80 CRIME PLACE: MOUNT VERNON	CRIM POSS CONTRL SUBST PL 220.03 NO SUB CLASS A MISD NCIC 3599	THE FOLLOWING CHARGE(S): DIS/CON: CREATING DANGEROUS ACT PL 240.20 SUB 07 VIOL NCIC 5311 SENT: CONDITIONAL DISCHARGE FINE: \$25
ARR#/AGY B12843 VERNON PD		05-05-80 MT VERNON CITY CRT DKT # 477-80 CONVICTED UPON PLEA OF GUILTY
CRT CON# 06447751J		THE FOLLOWING CHARGE(S): DISORDERLY CONDUCT PL 240.20 NO SUB VIOL NCIC 5311 SENT: CONDITIONAL DISCHARGE FINE: \$25 FINE PAID
		05-05-80 MT VERNON CITY CRT DKT # 477-80 DISMISSED
		THE FOLLOWING CHARGE(S): CRIM POSS CONTRL SUBST-7TH PL 220.03 NO SUB CLASS A MISD NCIC 3599
		05-05-80 MT VERNON CITY CRT DKT # 477-80

(CONT. NEXT PAGE)

DATE 12-14-04

EXHIBIT-6- 36 pages.

NYSID 3914934Y

PAGE 3

&lt; &lt; &lt; &lt; &lt; CRIMINAL HISTORY &gt; &gt; &gt; &gt; &gt;

ARREST INFORMATION	ARREST/ARRAIGNMENT CHARGES	DISPOSITION AND RELATED DATA
		DISMISSED
		THE FOLLOWING CHARGE(S): CRIM POSS CONTRL SUBST-7TH PL 220.03 NO SUB CLASS A MISD NCIC 3599

WHERE AN INDIVIDUAL IS SENTENCED JUNE 1, 1981, OR LATER, ON MORE THAN ONE  
CHARGE WITHIN A DOCKET, THE SENTENCES MAY BE CONSIDERED TO BE CONCURRENT  
UNLESS IDENTIFIED AS CONSECUTIVE.

6/16/05 Motion denied, *[Signature]* (6-17-05 N'Da, defx)



IN THE CIRCUIT COURT IN HOWARD COUNTY  
Alabama

**FILED**

JUN 28 2005

*Judy Byrd*  
JUDY BYRD, CLERK  
HOUSTON CO., AL

*Douglas E. Stevenson*  
Appellant

Case No. CC-02-165.61

Vs

State of Alabama

Written Notice of Appeal

Come Now, Douglas Edward Stevenson, and file Written  
Notice of Appeal, To the Denial of Rule 32 Petition.  
Final Dismissal Done June 16, 2005. Appellant Request  
Indigency on Appeal.

Respectfully

*Douglas E. Stevenson*

Douglas E. Stevenson  
200 Wallace Drive  
Clio, Alabama 36007

State of Alabama Unified Judicial System Form ARAP-26 (front) 8/91	<b>COURT OF CRIMINAL APPEALS DOCKETING STATEMENT</b>	Criminal Appeal Number  
--	--	--------------------------------

**A. GENERAL INFORMATION:**

☒ CIRCUIT COURT    ☐ DISTRICT COURT    ☐ JUVENILE COURT OF Houston COUNTY

Douglas Edward Stevenson Appellant

V. ☒ STATE OF ALABAMA    ☐ MUNICIPALITY OF State of Alabama

Case Number <u>CL-02-165. 61</u>	Date of Complaint or Indictment	Date of Judgment/Sentence/Order <u>6-16-05</u>
Number of Days of Trial/Hearing	Date of Notice of Appeal	
Days	Oral:	Written: <u>6-16-05</u>

Indigent Status Requested: ☒ Yes    ☐ No    Indigent Status Granted: ☒ Yes    ☐ No

**B. REPRESENTATION:**

Is Attorney Appointed or Retained?    ☐ Appointed    ☐ Retained.    If no attorney, will appellant represent self? ☒ Yes    ☐ No

Appellant's Attorney (Appellant if pro se) (Attach additional pages if necessary):  
Douglas E. Stevenson # 228003 - TB 99 Telephone Number

Address: 200 Wallace Drive City: CL10, State: AL Zip Code: 36617

**C. CODEFENDANTS:** List each CODEFENDANT and the codefendant's case number.

Codefendant	Case Number
Codefendant	Case Number
Codefendant	Case Number

**D. TYPE OF APPEAL:** Please check the applicable block.

1 <input type="checkbox"/> State Conviction	4 <input type="checkbox"/> Pretrial Order	7 <input type="checkbox"/> Juvenile Transfer Order	10 <input type="checkbox"/> Other (Specify)
2 <input checked="" type="checkbox"/> Post-Conviction Remedy	5 <input type="checkbox"/> Contempt Adjudication	8 <input type="checkbox"/> Juvenile Delinquency	
3 <input type="checkbox"/> Probation Revocation	6 <input type="checkbox"/> Municipal Conviction	9 <input type="checkbox"/> Habeas Corpus Petition	

**E. UNDERLYING CONVICTION/CHARGE:** Regardless of the type of appeal checked in Section D, please check the box beside each offense category for which the appellant has been convicted or charged as it relates to this appeal. Also include the applicable section of the Code of Alabama for State convictions.

1 <input type="checkbox"/> Capital Offense - §	6 <input type="checkbox"/> Trafficking in Drugs - §	11 <input type="checkbox"/> Fraudulent Practices - §
2 <input type="checkbox"/> Homicide - §	7 <input checked="" type="checkbox"/> Theft - §	12 <input type="checkbox"/> Offense Against Family - §
3 <input type="checkbox"/> Assault - §	8 <input type="checkbox"/> Damage or Intrusion to Property - §	13 <input type="checkbox"/> Traffic - DUI - §
4 <input type="checkbox"/> Kidnapping/Unlawful Imprisonment - §	9 <input type="checkbox"/> Escape - §	14 <input type="checkbox"/> Traffic - Other - §
5 <input type="checkbox"/> Drug Possession - §	10 <input type="checkbox"/> Weapons/Firearms - §	15 <input type="checkbox"/> Miscellaneous (Specify):

**F. DEATH PENALTY:**

Does this appeal involve a case where the death penalty has been imposed?    ☐ Yes    ☒ No

**G. TRANSCRIPT:**

1. Will the record on appeal have a reporter's transcript?    ☐ Yes    ☒ No

2. If the answer to question "1" is "Yes," state the date the Reporter's Transcript Order was filed. \_\_\_\_\_ (Date)

3. If the answer to question "1" is "No":

(a) Will a stipulation of facts be filed with the circuit clerk?    ☒ Yes    ☐ No

(b) Will the parties stipulate that only questions of law are involved and will the trial court certify the questions?    ☐ Yes    ☐ No

NOTE: If the appeal is from the district or juvenile court and the answer to question "1" is "No" then a written response is required for each question.

Form ARAP- 26 (back) 8/91

## COURT OF CRIMINAL APPEALS DOCKETING STATEMENT

POST-JUDGMENT MOTIONS: List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rules 20.3 and 24.4 (ARCrP)).

DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION		
Month	Day	Year		Month	Day	Year
5	5	05	Rule 32 Petition	6	16	05

I. NATURE OF THE CASE: Without argument, briefly summarize the facts of the case.

*Illegal Sentence*  
*Appellant Do Not Have ANY Prior Felony*  
*Convictions.*

J. ISSUE(S) ON APPEAL: Briefly state the anticipated issues that will be presented on appeal. (Attach additional pages if necessary.)

*Appellant is Entitled to Relief Where there*  
*are no Prior Felony Convictions*

*Where out of State Misdemeanors are Grounds*  
*to Enhance Sentence.*

*Wm. E. Stevens*

K. SIGNATURE:

*6-21-05*

State of Alabama Unified Judicial System Form ARAP-1C 8/91	<b>REPORTER'S TRANSCRIPT ORDER -- CRIMINAL</b> <small>See Rules 10(c) and 11(b) of the Alabama Rules of Appellate Procedure (A.R. App.P.)</small>	Criminal Appeal Number _____
--	--	---------------------------------

TO BE COMPLETED BY COUNSEL FOR THE APPELLANT OR BY THE APPELLANT IF NOT REPRESENTED AND FILED WITH THE WRITTEN NOTICE OF APPEAL OR FILED WITHIN 7 DAYS AFTER ORAL NOTICE OF APPEAL IS GIVEN.

☒ CIRCUIT COURT    ☐ DISTRICT COURT    ☐ JUVENILE COURT OF 22RD DIST HOUSTON COUNTY  
DOUGLAS E. STEVENSON

V.    ☒ STATE OF ALABAMA    ☐ MUNICIPALITY OF STATE OF ALABAMA Appellant

Case Number <u>CC-02-165-61</u>	Date of Judgment/Sentence/Order <u>6-16-05</u>
Date of Notice of Appeal	Indigent Status Granted:
Oral: _____	Written: <u>6-21-05</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**PART 1. TO BE SIGNED IF THE APPEAL WILL NOT HAVE A COURT REPORTER'S TRANSCRIPT:**

I CERTIFY THAT NO REPORTER'S TRANSCRIPT IS EXPECTED AND THAT THE RECORD ON APPEAL SHALL CONSIST OF THE CLERK'S RECORD ONLY. IF THE APPEAL IS FROM DISTRICT COURT OR JUVENILE COURT, I ALSO CERTIFY (1) THAT A STIPULATION OF FACTS WILL BE INCLUDED IN THE CLERK'S RECORD AND THAT THE APPELLANT WAIVES HIS RIGHT TO A JURY TRIAL IF SO ENTITLED; OR (2) THAT THE PARTIES HAVE STIPULATED THAT ONLY QUESTIONS OF LAW ARE INVOLVED AND THAT THE QUESTIONS WILL BE CERTIFIED BY THE JUVENILE/DISTRICT COURT FOR INCLUSION IN THE CLERK'S RECORD (SEE RULE 28(A)(1), ALABAMA RULES OF JUVENILE PROCEDURE, AND §12-12-72, CODE OF ALABAMA 1975).

Signature \_\_\_\_\_ Date 6-21-05 DOUGLAS E. STEVENSON  
Print or Type Name

**PART 2. DESIGNATION OF PROCEEDINGS TO BE TRANSCRIBED.** Request is hereby made to the court reporter(s) indicated below for a transcript of the following proceedings in the above referenced case (see Rule 10(c)(2), Alabama Rules of Appellate Procedure (A.R. App.P.)):

**MARK PROCEEDINGS REQUESTED:**

- A. ☐ TRIAL PROCEEDINGS - Although this designation will include the judgment and sentence proceedings, a transcript of the organization of the jury and arguments of counsel must be designated separately.
- B. ☐ ORGANIZATION OF THE JURY - This designation will include voir dire examination and challenges for cause. Note that in noncapital cases the voir dire of the jury will not be recorded unless the trial judge so directs. (See Rule 19.4, ARCP.)
- C. ☐ ARGUMENTS OF COUNSEL - Note that in noncapital cases the arguments of counsel will not be recorded unless the trial judge so directs. (See Rule 19.4, ARCP.)

COURT REPORTER(S)

IN ADDITION TO ANY PROCEEDINGS DESIGNATED ABOVE, SPECIAL REQUEST IS HEREBY MADE TO INCLUDE THE FOLLOWING PROCEEDINGS IN THE REPORTER'S TRANSCRIPT PORTION OF THE RECORD ON APPEAL. (ATTACH ADDITIONAL PAGES IF NECESSARY):

ADDITIONAL PROCEEDINGS REQUESTED	DATE	COURT REPORTER(S)
D. _____	_____	_____
E. _____	_____	_____
F. _____	_____	_____
G. _____	_____	_____

**IMPORTANT NOTICE:** The court reporter who reported the proceedings for which a transcript is requested must be identified on this form to be effective. Additionally, it is important to note that the appellant may not be permitted to raise any issue on appeal relating to any proceedings in the case that are not specifically designated on this form for inclusion in the reporter's transcript. A general designation such as "all proceedings" is not sufficient. (See Rule 10(c)(2), A.R. App.P.)

**PART 3. MUST BE SIGNED IF THE APPEAL WILL HAVE A COURT REPORTER'S TRANSCRIPT:**

I CERTIFY THAT I HAVE DISTRIBUTED THIS FORM AS SET OUT BELOW. I ALSO CERTIFY (1) THAT I HAVE MADE SATISFACTORY FINANCIAL ARRANGEMENTS WITH EACH COURT REPORTER LISTED ABOVE FOR PREPARING HIS OR HER PORTION OF THE REPORTER'S TRANSCRIPT HEREIN REQUESTED; OR (2) THAT THE APPELLANT PROCEEDED AT TRIAL AS AN INDIGENT AND THAT THAT STATUS HAS NOT BEEN REVOKED; OR, (3) THAT THE APPELLANT HAS BEEN GIVEN PERMISSION TO PROCEED ON APPEAL IN FORMA PAUPERIS.

Signature \_\_\_\_\_ Date 39 \_\_\_\_\_  
Print or Type Name

STATE OF ALABAMA VS DOUGLAS E. STEVENSON CC 2002-165.61

6-28-05 Written Notice of appeal, CCA docketing statement and CR transcript order.

6/30/05 Free transcript order. *[Signature]*

ACR371

ALABAMA JUDICIAL DATA CENTER  
 NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS  
 BY THE TRIAL COURT CLERK  
 IN THE CIRCUIT COURT OF HOUSTON COUNTY  
 STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD JUDGE: SIDNEY E. JACKSON

APPEAL DATE: 06/28/2005

## INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:

INDIGENT STATUS REVOKED ON APPEAL:

INDIGENT STATUS GRANTED ON APPEAL:

<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO

DEATH PENALTY: NO

APPEAL TYPE: RULE 32 PETITION

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION,  
 WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 38/CC 2002 000165.61

ORDER ENTERED(DATE): 05122005 PETITION: X DISMISSED ☐ DENIED ☐ GRANTED ☐

## POST-JUDGMENT MOTIONS FILED:

DT FILED

DT DENIED

CON BY AGREE

MOTION FOR NEW TRIAL

MOTION FOR JUDGE OF ACQUIT

MOTION TO W/D GUILTY PLEA

MOTION FOR ATTY TO W/DRAW

OTHER

COURT REPORTER(S):

ADDRESS:

APPELLATE COUNSEL #1:

ADDRESS:

PRO SE

PHONE NUMBER:

000-000-0000

00000

APPELLATE COUNSEL #2:

ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):

ADDRESS:

STEVENSON DOUGLAS EDWARD

EASTERLING CORR. FAC.

CLIO

AL 360170000

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED  
 ABOVE IS ACCURATE TO THE BEST OF MY  
 KNOWLEDGE AND I HAVE SERVED A COPY OF  
 THIS NOTICE OF APPEAL ON ALL PARTIES TO  
 THIS ACTION ON THIS 5<sup>th</sup> DAY OF July 2005

OPERATOR: RHM

PREPARED: 07/05/2005

Judy B. Bynum  
CIRCUIT COURT CLERK

AP 14-3 Certificate of Completion and Transmittal of Record on Appeal by Trial Clerk

CERTIFICATE OF COMPLETION AND TRANSMITTAL  
OF RECORD ON APPEAL BY TRIAL CLERK

DOUGLAS EDWARD STEVENSON

Appellant

V.

State of Alabama  
Appellee

TO: The Clerk of the Court of  
Criminal Appeals of Alabama

Case No. CC2002-165.61

Date of Notice of Appeal 06-28-05

I certify that I have this date completed and transmitted herewith to the appellate court the record on appeal by assembling 41 pages of the Clerk's record, and 0 pages of the Court Reporter's transcript, and that one copy of each of the record on appeal has been served on the defendant and the Attorney General of the State of Alabama for the preparation of briefs.

I certify that a copy of this certificate has this date been served on counsel for each party to the appeal.

DATED this 5TH day of JULY, 2005

Judith Bepko

Circuit Clerk

HOUSTON

County





Doc No 173101

CR 04-1992

Part 1 of 1

DOCUMENT NAME: Stevenson, Douglas Edward

CLIENT & MATTER: 83045-001

DESCRIPTION:

County: Houston

CC#s: 2002-165.61

Attorney: Attorney Not Assigned

Circle: TRANSCRIPT CASE FILE BOTH

LWOP: Yes No

1 VOL  
NNV

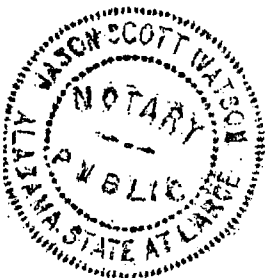
**CERTIFICATION**

I hereby certify that the preceding imaged records and documents  
are a true, accurate, and complete image of the original records or  
documents as received by the Office of the Attorney General of  
the State of Alabama.

This the 14<sup>th</sup> day of September, 2006.

Signed: Melisa G. Martin

Notary: Jean Scott Watson



99488

IN THE COURT OF CRIMINAL APPEAL OF ALABAMA

EX PARTE: RONNIE LEE BROWN

IN RE: RONNIE LEE BROWN  
PETITIONER.

-Vs-

STATE OF ALABAMA  
RESPONDENT.

RONNIE LEE BROWN  
PETITIONER.

-Vs-

GLENN THOMPSON, JUDGE  
AND JOHN PATORR, CLERK  
CIRCUIT COURT OF MORGAN  
COUNTY, ALABAMA  
RESPONDENTS.

FROM THE CIRCUIT COURT  
OF MORGAN COUNTY ALABAMA  
CASE # CC-03-205.60

IN THE COURT OF  
CRIMINAL APPEAL  
STATE OF ALABAMA

CASE # BY THE CLERK

PETITION FOR WRIT OF MANDAMUS

COMES NOW the Petitioner RONNIE LEE BROWN (PROSE)  
PURSUANT TO RULE 21, AL.R.A.P. and petitions this Court  
FOR A WRIT OF MANDAMUS to ISSUE upon Glenn Thompson,  
Judge and John Pat Orr, Clerk, Circuit Court of Morgan  
County, ALABAMA, for the respondents to comply with  
the administration of Justice in permitting YOUR  
petitioner access to the courts through APPEAL  
UNDER Rule of law; [CODE OF ALABAMA 1975 TITLE 12-  
21-130]. IN SUSORT OF ~~ISSUANCE~~ OF WRIT, BROWN

Shows unto the Court AS FOLLOWS:

## FACTS

---

IN MAY 2004, BROWN filed A petition under Rule 32 A.R.C.A.P. the Rule 32 ON APRIL 28<sup>th</sup> 2006 WAS denied. IN May 2006 BROWN entered A motion with the Court for Reconsideration of the Courts Ruling; this was also denied. ON June 1<sup>st</sup> 2006, A time within the 42 day PERIOD within which to file notice of APPEAL, using the PROPER forms as follows:

- 1) FORM 11, NOTICE OF APPEAL TO THE COURT OF CRIMINAL APPEAL OF ALABAMA;
- 2) FORM, A.R.A.P.-1 REPORTERS TRANSCRIPT ORDER-CRIMINAL.
- 3) FORM 36 COURT OF CRIMINAL APPEALS DOCKETING STATEMENT.

(SEE EXHIBIT A) PLACE A PROPERLY addressed ~~envelope~~ ~~containing~~ CONTAINING these forms in the custody of Prison Officials by placing it in the inmate Legal mail Box at Hamilton Aged AND INFIRMED, A ALABAMA state Prison. After BROWN waited A REASONABLE Amount of time he contacted the Circuit CLERK'S OFFICE ASKING About the status of his APPEAL, the CLERK'S

office responded and stated that no APPEAL has not been filed with this court. (see Exhibit B). Because Brown is incarcerated and was filing his APPEAL Pro Se, his notice of appeal should be considered filed the day he placed it in the care of the Prison officials by placing it in the Prisoners Legal mail Box. See Ex Parte Powell 674 So 2d 1259, Holland v. State 621 So 2d; Houston v. Lack 487 US 266 101 L ED 2d. If Brown is not allowed to proceed with APPEAL it will deny him Procedural and Substantive DUE PROCESS under the Fourteenth Amendment to the United States Constitution.

Of this Brown complains and seeks access to the Courts through the issuance of a SUPERVISORY ORDER granting an out of time appeal.

---

### REASONS WHY THE WRIT SHOULD ISSUE

---

#### I

The respondents by not filing Petitioners Notice of Appeal are denying Petitioner access to the Courts.

#### II

For any final Judgment of the Circuit Court an Appeal lies to the appropriate Appellate Court as a matter of right by either PARTY CODE OF

ALABAMA TITLE 12-22-1, CODE OF ALABAMA TITLE 12-22-130) VIOLATES DUE PROCESS under the Fourteenth Amendment to the United States Constitution.

Mandamus is a drastic and extraordinary writ that will be issued only when there is:

- 1) A clear legal right in the Petition to the order sought
- 2) An imperative duty upon the respondent to perform accompanied by a refusal to do so
- 3) Lack of another adequate remedy; and
- 4) Properly invoked Jurisdiction of the Court from which relief is sought.

Petitioner sets forth below the law and facts showing Petitioners Circumstances fall squarely within the arena of Mandamus relief.

#### CLEAR LEGAL RIGHT TO ORDER SOUGHT

IN EX PARTE RICE 365 SO 2d 606-608 (ALA. 1990) this Distinguished Court established that Rule 32 Petitioners ARE intitled to process due them as a

Right inherent under the Fourteenth Amendment to the Constitution of the United States. In the case sub Justice the Court and its Parties state that no Notice of Appeal was filed in the Court (see Exhibit B). Certificate of service shows the date that the notice of appeal was posted in the Inmate legal mail handled by Prison officials. Being incarcerated Petitioner is restricted to this way of filing legal documents, and being indigent Petitioner could not certify the document to the Court. (see Exhibit B). EX PARTE POWELL 614 SO 2d 1259 says: When a Petitioner is incarcerated and is filing his notice of appeal those his notice of appeal should be considered filed when Prison officials take custody of appeal, HOLLAND VS STATE 621 SO 2d, HOUSTON VS LACK 487 US 266 101 LED 2d, EX PARTE WILLIAMS 651 SO 2d 569

An out of time appeal or a Rule 32 Petition is an issue that Mandamus would lie to permit Post conviction Petitioner to pursue an out of time appeal. Rule 32.1 Circuit Court does not have Jurisdiction to Grant an out of time appeal on a Rule 32 Petition, Mandamus is the only remedy to see an out of time appeal, EX PARTE FOUNTAIN 820 SO 2d 726, EX PARTE JOHNSON 806 SO 2d 1190, BROOKS VS STATE 892 SO 2d, MARSHALL VS STATE 884 SO 2d 900, EX PARTE WEEKS 611 SO 2d 262.

Efficiency in administration and the elimination of unnecessary delay and expense and to protect the rights of the individual while preserving the Public Welfare see BLOUNT VS STATE 570 SO 2d 498, 501 (Circuit Court).

## IMPERATIVE DUTY TO RESPOND AND REFUSAL TO DO SO

By Respondents own admission they have filed no notice of appeal.

## LACK OF ANOTHER ADEQUATE REMEDY

BROWN CANNOT APPEAL TO THE CIRCUIT COURT, AS IT HAS NO JURISDICTION TO GRANT OUT OF TIME APPEAL OF A RULE 32 Petition

## JURISDICTION

THIS Court has Jurisdiction to hear this Mandamus Petition Pursuant to section 12-2-7 CODE OF ALABAMA [1975] and section 12-1-7(4) CODE OF ALABAMA [1975] (EVERY COURT SHALL HAVE THE POWER TO CONTROL, IN FURTHERANCE OF JUSTICE TO CONDUCT OF ITS PROCEEDINGS BEFORE IT IN EVERY MATTER APPERTAINING THERE TO) THIS PARTICULAR CASE ALSO PROVIDES JURISDICTION PURSUANT to Rule 21(E)(1) A.R.A.P.

## INJURY TO PETITIONER

BROWN has a right under the Fourteenth AMENDMENT to procedural and substantive due PROCESS OF LAW A SUPERVISORY mandamus IS PROPER IN THIS CASE.

RELIEF REQUESTED

WHEREFORE PETITIONER PRAYS that this COURT WILL ORDER AN OUT OF TIME APPEAL AND/OR act on the pleadings on the positions asserted and GRANT BROWN Relief.

RESPECTFULLY SUBMITTED

Ronnie Lee Brown

RONNIE LEE BROWN 110936 PROSE  
HAMILTON AGED AND INFIRMED DW. 24T  
223 SASSER DRIVE  
HAMILTON, ALABAMA 35570



RONNIE BROWN 110936  
HAMILTON AGED AND INFIRMED DW24T  
223 SASSER DR  
HAMILTON, AL. 35570  
AUGUST 10<sup>th</sup> 2006

JOHN PAT ORR  
CLERK OF THE CIRCUIT COURT MORGAN County  
P.O. BOX 668  
DECATUR, AL. 35602

SUBJECT:

STATUS OF NOTICE OF APPEAL.  
CASE NO: CC 03-205-6

MR. ORR,

I have recieved no notification  
FROM my notice of APPEAL to date.

I REQUEST at this time to be  
informed of the STATUS of the appeal,

Respectfully Submitted

8-14-06

*Ronnie Brown*  
RONNIE BROWN 110936

*Notice of Appeal has not been  
filed with this Court.*

EXHIBIT  
B

FORM 11. NOTICE OF APPEAL TO THE  
COURT OF CRIMINAL APPEALS OF  
ALABAMA

\_\_\_\_\_

Appellant

State of Alabama

Appellee

In the Circuit Court of MORENO  
County

Case No. 00000000

Date of Judgment

&

## Post Judgment Order

Notice is hereby given that \_\_\_\_\_ appeals to the  
above-named court from the judgment of conviction  
(\_\_\_\_\_) entered in this case on the  
[or other order describing it]

\_\_\_\_\_ of \_\_\_\_\_, 19\_\_\_\_, adjudging the defendant to be guilty of the offense of \_\_\_\_\_ and as punishment thereof sentencing the defendant as follows: \_\_\_\_\_

Appellant:

[ ] moves for an order fixing bail on appeal and for suspension of execution of sentence (T. 15, § 372).

[ ] waives benefit of suspended sentence (T. 15, § 373).

Filed 1971

Date \_\_\_\_\_

Certified as a true copy:

Address

Phone No.

Circuit Clerk

Attorney for Appellant

Exhibit  
A

State of Alabama Unified Judicial System Form ARAP- 26 (front) 8/91	<b>COURT OF CRIMINAL APPEALS DOCKETING STATEMENT</b>	Criminal Appeal Number  
---	--	--------------------------------

**A. GENERAL INFORMATION:**

☐ CIRCUIT COURT    ☐ DISTRICT COURT    ☐ JUVENILE COURT OF \_\_\_\_\_ COUNTY  
 \_\_\_\_\_, Appellant

**V. ☐ STATE OF ALABAMA    ☐ MUNICIPALITY OF \_\_\_\_\_**

Case Number	Date of Complaint or Indictment	Date of Judgment/Sentence/Order
Number of Days of Trial/Hearing	Date of Notice of Appeal	
Days	Oral:	Written:

Indigent Status Requested: ☐ Yes ☐ No      Indigent Status Granted: ☐ Yes ☐ No

**B. REPRESENTATION:**

Is Attorney Appointed or Retained?    ☐ Appointed    ☐ Retained.      If no attorney, will appellant represent self?    ☐ Yes    ☐ No

Appellant's Attorney (Appellant if pro se) (Attach additional pages if necessary)	Telephone Number
Address	City
	State      Zip Code

**C. CODEFENDANTS:** List each CODEFENDANT and the codefendant's case number.

Codefendant	Case Number
Codefendant	Case Number
Codefendant	Case Number

**D. TYPE OF APPEAL:** Please check the applicable block.

1 <input type="checkbox"/> State Conviction	4 <input type="checkbox"/> Pretrial Order	7 <input type="checkbox"/> Juvenile Transfer Order	10 <input type="checkbox"/> Other (Specify) _____
2 <input type="checkbox"/> Post-Conviction Remedy	5 <input type="checkbox"/> Contempt Adjudication	8 <input type="checkbox"/> Juvenile Delinquency	
3 <input type="checkbox"/> Probation Revocation	6 <input type="checkbox"/> Municipal Conviction	9 <input type="checkbox"/> Habeas Corpus Petition	

**E. UNDERLYING CONVICTION/CHARGE:** Regardless of the type of appeal checked in Section D, please check the box beside each offense category for which the appellant has been convicted or charged as it relates to this appeal. Also include the applicable section of the Code of Alabama for State convictions.

1 <input type="checkbox"/> Capital Offense - § _____	6 <input type="checkbox"/> Trafficking in Drugs - § _____	11 <input type="checkbox"/> Fraudulent Practices - § _____
2 <input type="checkbox"/> Homicide - § _____	7 <input type="checkbox"/> Theft - § _____	12 <input type="checkbox"/> Offense Against Family - § _____
3 <input type="checkbox"/> Assault - § _____	8 <input type="checkbox"/> Damage or Intrusion to Property - § _____	13 <input type="checkbox"/> Traffic - DUI - § _____
4 <input type="checkbox"/> Kidnapping/Unlawful Imprisonment - § _____	9 <input type="checkbox"/> Escape - § _____	14 <input type="checkbox"/> Traffic - Other - § _____
5 <input type="checkbox"/> Drug Possession - § _____	10 <input type="checkbox"/> Weapons/Firearms - § _____	15 <input type="checkbox"/> Miscellaneous (Specify): _____

**F. DEATH PENALTY:**

Does this appeal involve a case where the death penalty has been imposed?    ☐ Yes    ☐ No

**G. TRANSCRIPT:**

1. Will the record on appeal have a reporter's transcript?    ☐ Yes    ☐ No

2. If the answer to question "1" is "Yes," state the date the Reporter's Transcript Order was filed. \_\_\_\_\_ (Date)

3. If the answer to question "1" is "No":

(a) Will a stipulation of facts be filed with the circuit clerk?    ☐ Yes    ☐ No

(b) Will the parties stipulate that only questions of law are involved and will the trial court certify the questions?    ☐ Yes    ☐ No

NOTE: If the appeal is from the district or juvenile court and the answer to question "1" is "No," then a positive response is required for question 3(a) or 3(b).

EXHIBIT A

CR 05-0321

# APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS

FROM

CIRCUIT COURT OF HOUSTON COUNTY, ALABAMA

CIRCUIT COURT NO CC02-165.62;CC02-1166.62

CIRCUIT JUDGE                      SIDNEY EDWARD JACKSON

Type of Conviction/ Order Appealed From:

RULE 32 PETITION      SUPPLEMENT

**Sentence Imposed:**

PETITION DENIED

**Defendant Indigent:**

☒ YES    ☐ NO

DOUGLAS EDWARD STEVENSON

NAME OF APPELLANT

PRO-SE

#228063

(Appellant's Attorney)

(Telephone No.)

200 WALLACE DR

(Address)

 $\text{ClO}_2$ 

AL

36017

(City)

(State)

(Zip Code)

Y.

STATE OF ALABAMA

NAME OF APPELLEE

(State represented by Attorney General)

NOTE: If municipal appeal, indicate above, and enter

name and address of municipal attorney below.

(For Court of Criminal Appeals Use Only)

AMERICAN 800-631-6989

EXHIBIT

C

## SUPPLEMENT

CASE ACTION SUMMARY	1-2
ORDER FROM CCA – TRIAL COURT TO DISPOSE OF APPELLANT'S MOTION TO SUPPLEMENT WITHIN 14 DAYS	3
APPELLANT'S MOTION	4-7
TRIAL COURT'S ORDER – THE 3/11/03 GUILTY PLEA COLLOQUEY IS ORDERED MADE A PART OF THE RECORD IN THAT CASE. THIS IS THE SAME COLLOQUEY REVIEWED BY THE COURT OF CRIMINAL APPEALS IN THE 1/23/04 AFFIRMANCE OF THE DEFT'S CONVICTION ON HIS FIRST RULE 32.	7A
REPORTER'S OFFICIAL TRANSCRIPT	8-20
CERTIFICATE OF COMPLETION	21

ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000165.62  
 R: RHM CASE ACTION SUMMARY  
 E: 1 CIRCUIT CRIMINAL  
 RUN DATE: 09/16/2005  
 IN THE CIRCUIT COURT OF HOUSTON JUDGE: SEJ

STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD  
 CASE: CC 2002 000165.62 EASTERLING CORR. FAC.  
 P. O. BOX 10  
 CLIO, AL 36017 0000  
 DOB: 04/25/1957 SEX: M RACE: B HT: 5 08 WT: 180 HR: BLK EYES: BRO  
 SSN: 077506735 ALIAS NAMES:  
 CHARGE01: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001  
 OFFENSE DATE: AGENCY/OFFICER:

DATE WAR/CAP ISS: DATE ARRESTED:  
 DATE INDICTED: DATE FILED: 05/05/2005  
 DATE RELEASED: DATE HEARING:  
 BOND AMOUNT: \$ .00 SURETIES:

DATE 1: DESC: TIME: 0000  
 DATE 2: DESC: TIME: 0000

TRACKING NOS:

DEF/ATY: PRO SE

TYPE: A

TYPE:

00000

00000

PROSECUTOR: VALESKA DOUGLAS A

OTH CSE: 000000000000 CHK/TICKET NO:  
 COURT REPORTER: SID NO: 000000000 GRAND JURY:  
 STATUS: JAIL DEMAND: Y OPER: RHM  
 ACTIONS, JUDGEMENTS, AND NOTES

9-15-05

Rule 32 Petition; Petition for Relief from Conviction or Sentence.

In Forma Pauperis Declaration.

9/20/05 Free filing authorized.  
 In that free filing has been previously  
 authorized for petitions in the past,  
 Defendant is allowed 15 additional days  
 to amend his petition as to any additional  
 or further claims which he might have as  
 free filing will not be available in the future.

9-21-05 N. Da & Dept

Person  
 CIRCUIT JUDGE

09-27-05

Motion for Summary Disposition.

10/11/05

This is Defendant's 2nd petition on this same issue.  
 The dismissed of last Petition was affirmed 1/23/04. This  
 Petition also fails to state a claim and is getting up to  
 record. Therefore, it is dismissed.

10/14/05 N. Dept

STATE OF ALABAMA VS DOUGLAS EDWARD STEVENSON CC2002-165.62

10-20-05 Reply and rebutal to State's Motion for Summary Disposition.

11-7-05 notice of appeal + transcript order. In forma Pauperis declaration. Reporter's transcript order. CCA docketing statement.

11-15-05 Clerk's notice of appeal, CCA docketing statement and CR transcript order to CCA, AG and deft.

12-01-05 Clerk's record on appeal to CCA, AG and deft.

12-5-05 Appellant's brief due 12-29-05.

12-8-05 Order from CCA, deft having filed motion to supplement record on appeal with transcript from trial dated 3-11-03, trial court to dispose of motion within 14 days.

12/9/05 The 3/11/03 transcript is ordered made a part of the record in this case. This is the same call log reviewed by the Crim Court of Appeals in the 1/23/04 affirmance of Def's conviction on his first hole 32, *Johnson, Judy*



# COURT OF CRIMINAL APPEALS

## STATE OF ALABAMA

H. W. "BUCKY" McMILLAN  
Presiding Judge  
SUE BELL COBB  
PAMELA W. BASCHAB  
GREG SHAW  
A. KELLI WISE  
Judges



Lane W. Mann  
Clerk  
Sonja McKnight  
Assistant Clerk  
(334) 242-4590  
Fax (334) 242-4689

**CR-05-0321**

Douglas Edward Stevenson v. State of Alabama (Appeal from Houston Circuit Court: CC02-165.62; CC02-1166.62; CC02-1168.62; CC02-1169.62; CC02-1170.62)

### ORDER

The appellant in the above referenced appeal has filed a motion with this Court to supplement the record on appeal. This motion should be considered by the trial court.

Upon consideration of the above, the Court of Criminal Appeals ORDERS that this motion be transferred to the trial court for that court to dispose of the appellant's motion to supplement the record within 14 days from the date of this order and, if a supplemental record is required, the trial court is requested to direct that it be prepared and filed with this Court at the earliest possible date and by no later than January 4, 2006; provided, however, that if the trial court finds that the supplemental record cannot be completed and filed with this Court by January 4, 2006, the trial court is requested to advise this Court of the earliest possible date thereafter by which the supplemental record will be filed.

Because this Court can consider on appeal only those matters that were presented to the trial court or otherwise considered by the trial court in connection with the judgment now being appealed, the trial court should be mindful not to direct that the record on appeal be supplemented with matters that are not properly reviewable on appeal.

This Court further orders that the appellant shall have 14 days from the filing of the supplemental record or from entry of the trial court's denial of the motion to supplement to file his brief.

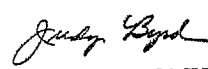
Done this the 7th day of December, 2005.

  
H.W. "Bucky" McMillan, Presiding Judge  
Court of Criminal Appeals

cc: Hon. Sidney Edward Jackson, Circuit Judge  
Hon. Judy Byrd, Circuit Clerk  
Douglas Edward Stevenson, Pro Se  
Office of Attorney General

**FILED**

DEC 08 2005

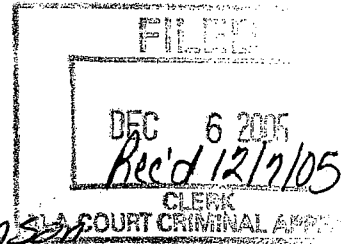
  
JUDY BYRD, CLERK  
HOUSTON CO., AL



Case No: CR 15-0321

In The Criminal Court of Appeals  
State of Alabama

Douglas Edward Stevenson  
Appellant pro se



- vs -

State of ALABAMA  
Appellee

From The Circuit Court, Houston County  
Case Nos CC-02-165, 62, CC02-1166, 62

Request and Motion For Court Order

by Appellant Douglas E. Stevenson

Douglas Edward Stevenson  
Appellant Pro se  
Easterling Cor. Fc 4-B-99-B  
200 Wallace Drive, Clid, Ala. 36017

I  
4

In The Criminal Court of Appeals, Alabama

Douglas Edward Stevenson  
Appellant Pro Se

- vs -

State of Alabama  
Appellee

---

Case No: CR-05-0321

Emergency Motion For Court Order

Comes now Appellant Douglas Edward Stevenson pro se with legal assistance from inmate John Strong and pursuant to the appropriate Rule and authority herein respectfully moves this Honorable Appellate Court to as soon as possible enter an "order" directing the Circuit Court's clerk (Judy Byrd) to immediately prepare a true copy of the guilty plea and sentencing hearing held in the Circuit Court, Houston County on March 11<sup>th</sup> 2003 in the above referred to cases as that information is needed and referred to in this case on appeal.

- 1 -

That on November 30<sup>th</sup> 2005 Appellant filed his Request into the Trial Clerk's office of Judy Byrd requesting a copy of his in court transcript of the March 11<sup>th</sup> 2003 Court hearing in where the guilty plea and sentence occurred in this case on appeal - That Request was not granted nor was it answered.

What was said and not said in Court on March 11<sup>th</sup> 2003 is the crucial factor in this case at bar and a copy thereof is needed in order to complete this Appeal. A review of the Transcript submitted here shows no Transcript of the March 11, 2003 hearing.

Therefore Appellant respectfully moves this Honorable Appellate Court to as soon as possible enter an Order directing the Trial Clerk Judy Byrd to prepare a true copy of the March 11, 2003 Transcript of the Trial and allow Appellant an additional period of time to prepare and file his Briefs on Appeal therewith.

It is so prayed

Respectfully Submitted

/s/ Douglas Edward Stevenson  
Douglas Edward Stevenson pro se

Subscribed and Sworn to

~~Before me at [illegible]~~ under penalty of perjury

/s/ Douglas Edward Stevenson  
11 December 10 2005

~~[illegible]~~

~~[illegible]~~ Douglas Stevenson

Certificate of Service

Comes now Appellant Douglas Edward Stevenson pro se who swears and states under penalty of perjury that a true copy of the foregoing attach Request And Motion For A Court Order in case Number CR 05-0321 on appeal is being sent by mail properly addressed to the States Attorney General Trey King on December 6 2005

s/ Douglas Edward Stevenson

Douglas Edward Stevenson  
 Assistant - Appellant pro se  
 Easterling Cir. # 4-B-99-B  
 200 Wallace Drive, Clis, AL 36017

DEC 7 2005 Transfer to circuit court.

*[Signature]*

12/9/05 The 3/11/03 Guilty Plea colloquy is ordered made a part  
of the record in this case. This is the same colloquy  
reviewed by the Crim Court of Appeals in the  
1/23/04 affirmance of Def's conviction on his  
first Rule 32.  
Peterson, Judy

STATE OF ALABAMA  
IN THE CIRCUIT COURT FOR THE COUNTY OF HOUSTON  
TWENTIETH JUDICIAL CIRCUIT  
CRIMINAL

THE STATE OF ALABAMA,  
PLAINTIFF,

VS.

CC-02-165, 1166, 1168,  
1169, 1170

DOUGLAS EDWARD STEVENSON,  
DEFENDANT.

REPORTER'S OFFICIAL TRANSCRIPT

Before:

Honorable Edward Jackson  
Dothan, Alabama  
March 11, 2003

APPEARANCES:

FOR THE STATE:  
HENRY D. BINFORD, ESQ.  
Assistant District Attorney

FOR THE DEFENDANT:

HAMP BAXLEY, ESQ.  
Attorney at Law  
Dothan, Alabama

JOHN BYRD, JR.  
Attorney at Law  
Dothan, Alabama

I N D E X

MARCH 11, 2003 -- TITLE PAGE	2
INDEX	3
PLEA OF GUILTY	4
STATEMENT OF FACTS	6
SENTENCING	11
CERTIFICATE OF REPORTER	13

PROCEEDINGS

THE COURT: You are Douglas Edward Stevenson?

THE DEFENDANT: Yes, sir.

THE COURT: Mr. Stevenson, you are here in cases case CC-2002-165, where you are charged with receiving stolen property in the second degree. And that is -- normally, that is a Class C felony for which you can receive from a year and a day up to ten years and a fine of up to five thousand dollars. But under the Habitual Offender Act, with at least three prior felonies, the minimum is fifteen years, and the maximum is ninety-nine years or life. And do you understand that range of punishment, and do you understand that you have at least one -- you have three prior felony convictions?

THE DEFENDANT: Yes, I do.

THE COURT: Now, in cases CC-2002-1166, 68, 69 and 70, you are charged with possession of a forged instrument, also, in the second degree. And the ranges of punishment are the same as in the other cases. Do you understand that?

THE DEFENDANT: Yes.

THE COURT: So, basically, the -- applying the Habitual Offender Act, the range of punishment is up to -- is fifteen years to ninety-nine years or life



1 and a fine of up to twenty thousand dollars in each of  
2 the cases. Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: Now, have you -- how old are you,  
5 first of all?

6 THE DEFENDANT: Forty-five.

7 THE COURT: Forty-five. And how much school have  
8 you completed?

9 THE DEFENDANT: Twelve.

10 THE COURT: Are you undergoing any psychiatric  
11 treatment or having any mental or emotional problems?

12 THE DEFENDANT: No.

13 THE COURT: Are you under the influence of any  
14 drugs, medication or alcohol today?

15 THE DEFENDANT: No, not today.

16 THE COURT: Have you had explained to you the  
17 rights which you will give up by entering a plea of  
18 guilty as set out on the Explanation of Rights form?

19 THE DEFENDANT: Very clearly.

20 THE COURT: And have you signed the forms  
21 voluntarily, and do you understand them?

22 THE DEFENDANT: Yes, I had.

23 THE COURT: Have you had enough time to discuss  
24 these cases with your attorneys and for them to advise  
25 you of your rights?

1 THE DEFENDANT: Yeah. We have had sufficient  
2 time.

3 THE COURT: And has anyone done anything to  
4 threaten you or harass you or make you plead guilty?

5 THE DEFENDANT: No.

6 THE COURT: Has anyone made you any promises or  
7 any inducements or any offers of reward of any type to  
8 get you to plead guilty?

9 THE DEFENDANT: No.

10 THE COURT: Has anyone promised you that you  
11 would get probation or a suspended sentence if you  
12 pled guilty?

13 THE DEFENDANT: No.

14 THE COURT: Based upon what you have told me here  
15 today, I find that your offer to plea guilty is  
16 willingly, knowingly and intelligently made, and I  
17 will accept your pleas if the offer given.

18 Mr. Binford, could you give the recitation of  
19 facts giving rise to the Indictments in Mr.  
20 Stevenson's cases?

21 MR. BINFORD: Judge, in the receiving stolen  
22 property second degree case, the State's evidence  
23 would be that the defendant, within a year before the  
24 finding of the Indictment, was stopped by Officer Doug  
25 McGill with the Dothan Police Department. He was in a

1 vehicle which was valued at approximately three  
2 hundred dollars. That vehicle had been taken from  
3 Country Auto Sales. The vehicle had only been stolen  
4 several days before the defendant was found to be in  
5 the vehicle. When stopped by the police, the  
6 defendant fled. He was later apprehended by the  
7 police. Also, the passenger fled and was able to  
8 escape while the police were chasing Mr. Stevenson.

9 The State's evidence also, with regard to the  
10 receiving stolen property case, will be that, at the  
11 time the car was stopped, that a tag was on the  
12 vehicle which was not registered to that particular  
13 vehicle. And Mr. Henry Quillam Smith, from Country  
14 Auto Sales, will testify at trial, we expect, that the  
15 defendant -- no one had permission to be driving that  
16 car and that it was, in fact, stolen.

17 And the possession of a forged instrument second  
18 degree case, which I will identify as the Grand Jury  
19 case number 55, the State's evidence will be that the  
20 defendant cashed at Chandler's Check Cashing, or Jimmy  
21 Chandler's business, check number 677488 in the amount  
22 of \$465.88. That was cashed on August 6th of 2002.  
23 The check was written on an account purportedly drawn  
24 on Ansell's account here in Dothan. Ms. Joyce Martin  
25 from Ansell will testify, we expect, that the

1 defendant had no permission to be in possession of any  
2 checks on the Ansell account and that they were, in  
3 fact, forgeries.

4 In Grand Jury case number 58, the State's  
5 evidence will be that the defendant was stopped by  
6 Officer Duhaime and Parrish with the Dothan Police  
7 Department. Sergeant Willie Williamson was called to  
8 the scene. Upon arriving to the scene, a search was  
9 conducted of the defendant's person. They found on  
10 the defendant check number 677466, dated 5/9/02, in  
11 the amount of \$455.00 drawn on that same Ansell  
12 account. Again, Ms. Joyce Martin will testify that  
13 that check was a forgery and that the defendant had no  
14 permission to have that check in his possession.

15 In Grand Jury case number 59, again, an Ansell  
16 check was cashed at Mr. Jimmy Chandler's business,  
17 check number 677464, cashed on 5/14/02 in the amount  
18 of \$455.00.

19 In Grand Jury case number 116, the State's  
20 evidence will be that Ms. Catherine Cody from the  
21 U-Save Food Outlet will testify that check number  
22 677479 was cashed at her store by the defendant on  
23 5/9/02 in the amount of \$455.00.

24 Also, with respect to the Jimmy Chandler cases,  
25 the State's evidence will be that at the time those

1 checks were cashed, that an ID card was obtained by  
2 that Chandler's business and Xeroxed or photocopied  
3 and that this ID card, which was not in the name of  
4 Mr. Stevenson, but in another name, was found on the  
5 defendant's person when he was stopped by Officers  
6 Duhaime and Parrish. And we would expect that Mr.  
7 Chandler and Ms. Cody would identify the defendant in  
8 court as being the gentleman who cashed these checks  
9 at their respective businesses.

10 And all of these offenses took place in Houston  
11 County, Alabama.

12 THE COURT: Based upon the recitations of facts,  
13 I find that there are foundations for the Indictments  
14 in these cases. And are you familiar with the  
15 contents of the Indictments, and have you and your  
16 lawyers gone over them?

17 THE DEFENDANT: Yes, we have.

18 THE COURT: Do you waive the reading of the  
19 Indictments?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: To the Indictments in these cases,  
22 how do you plead, guilty or not guilty?

23 THE DEFENDANT: Guilty.

24 THE COURT: Upon your pleas of guilty, it is the  
25 judgment of the Court that you are guilty. Do you

1 have anything to say as to why a sentence of law  
2 should not be pronounced upon you at this time?

3 THE DEFENDANT: Let's get it over with. No.

4 THE COURT: What is the State's recommendation in  
5 these cases?

6 MR. BINFORD: Judge, we recommend a sentence in  
7 each case of fifteen years. We recommend that those  
8 sentences run concurrently, for a total sentence of  
9 fifteen years. We recommend a fine of \$1500.00 in  
10 each case, Victim's Comp of 750 in each case. And,  
11 Judge, the total restitution, which the State is  
12 requesting as part of the plea agreement, is  
13 \$9,904.19. And, Judge, could I just state this on the  
14 record -- I will submit a written order within the  
15 next week or so. But that restitution was broken  
16 down -- Herman and Ann's, \$2,284.58; U-Save Food  
17 Outlet, \$1,834.95; Cherokee IGA, \$1,730.58;  
18 Chandler's, \$920.58; Winn-Dixie, 911; Linden Grocery,  
19 \$2,222.50. That should come up to \$9,904.19. And if  
20 I could, Judge, I will submit a written proposed order  
21 to that effect.

22 THE COURT: That will be better. And is that the  
23 recommendation, Mr. Stevenson, as you understood it  
24 would be on these cases?

25 THE DEFENDANT: According to the lawyers, yes.

1 THE COURT: And your understanding, Mr. Baxley?

2 MR. BAXLEY: Yes, Your Honor.

3 THE COURT: And, Mr. Byrd?

4 MR. BYRD: Yes, sir.

5 THE COURT: Based upon the State's  
6 recommendation, I sentence you to fifteen years in  
7 each case to run concurrently, a fine of \$1500.00 in  
8 each case and \$750.00 to the Victim's Compensation  
9 Fund, and restitution of \$9,904.19 to cover all of the  
10 cases.

11 MR. BINFORD: Judge, can I say one thing, also?

12 THE COURT: Yes.

13 MR. BINFORD: We agree to not take any more cases  
14 to the Grand Jury. We could have made other cases,  
15 additional cases, but our agreement is that we will  
16 not indict him on any cases or checks that we know  
17 about today -- if something comes up today that we did  
18 not know about, that may have happened, you know, a  
19 year ago, but we don't know about it, we reserve the  
20 right to, you know, prosecute him on that. But  
21 anything that we know about today, we agree not to  
22 take that to the Grand Jury.

23 THE COURT: Do you understand that, Mr.  
24 Stevenson? They will not be indicting you on any of  
25 the other cases that have arisen?

1 THE DEFENDANT: Yes, I do.

2 THE COURT: With that, then, you are back in the  
3 custody of the sheriff. Thank you.

4 MR. BYRD: Thank you, Your Honor.

5

6 END OF PROCEEDINGS

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## 1 CERTIFICATE OF REPORTER

2  
3 STATE OF ALABAMA

4 HOUSTON COUNTY

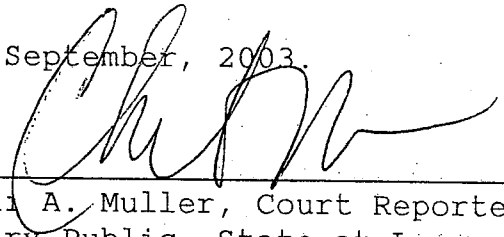
5  
6 I, Chani A. Muller, Court Reporter, and Notary  
7 Public, State at Large, do hereby certify that I have  
8 correctly reported in stenotype the proceedings in the  
9 above-styled cause, and I later reduced by stenotype  
10 notes into typewriting, and that the foregoing pages,  
11 beginning with the word "Proceedings" where the same  
12 appears in the center of the page, contain a true and  
13 correct transcription of the evidence, including  
14 objections, oral motions, rulings of the Court and the  
15 oral charge of the Court, where applicable, as therein  
16 set out.

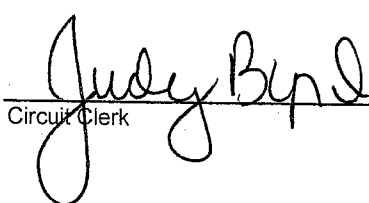
17 I further certify that I have no interest in this  
18 matter, financial or otherwise, or how it may develop  
19 or what its outcome may be. I further certify that I  
20 am not of counsel for any of the parties, nor am I  
21 related to counsel or litigants or associated with  
22 anyone connected with this cause to my knowledge.

23 I further certify that I have filed all exhibits  
24 offered in the trial of this cause with the Clerk of  
25 the Circuit Court for incorporation in the Record.

1 I further certify that I have on this day filed  
2 with the Clerk of the Court of Criminal Appeals of  
3 Alabama and the parties here involved a Certificate of  
4 Completion of Reporter's Transcript. I further  
5 certify that I have filed the original and three  
6 copies of this transcript in the office of the Clerk  
7 of the Circuit Court of Houston County, Houston County  
8 Courthouse, Dothan, Alabama.

9  
10 This 15th day of September, 2003.

11   
12 Chana A. Muller, Court Reporter,  
13 Notary Public, State at Large  
14  
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State of Alabama Unified Judicial System From ARAP - 14 Rev. 11 / 91	<b>CERTIFICATE OF COMPLETION AND          TRANSMITTAL OF RECORD ON          APPEAL BY TRIAL CLERK</b>	Appellate Case Number  
TO: THE CLERK OF THE COURT OF CRIMINAL APPEALS OF ALABAMA APPELLANT DOUGLAS EDWARD STEVENSON v. STATE OF ALABAMA		DATE OF NOTICE OF APPEAL: 11-07-05
<p>I certify that I have this date completed and transmitted herewith to the appellate court the record on appeal by assembling in ( a single volume of <u>21</u> pages) ( _____ volumes of 200 pages each and one volume of _____ pages) the clerk's record and the reporter's transcript and that one copy each of the record on appeal has been served on the defendant and the Attorney General of the State of Alabama for the preparation of brief.</p> <p>I certify that a copy of this certificate has this date been served on counsel for each party to the appeal.</p> <p>DATED this <u>16TH</u> day of <u>DECEMBER</u>, <u>2005</u>.</p> <div style="text-align: right; margin-top: 100px;">         _____        Circuit Clerk     </div>		

Porter 88018

Notice: This unpublished memorandum should not be cited as precedent. See Rule 54, Ala.R.App.P. Rule 54(d), states, in part, that this memorandum "shall have no precedential value and shall not be cited in arguments or briefs and shall not be used by any court within this state, except for the purpose of establishing the application of the doctrine of law of the case, res judicata, collateral estoppel, double jeopardy, or procedural bar."

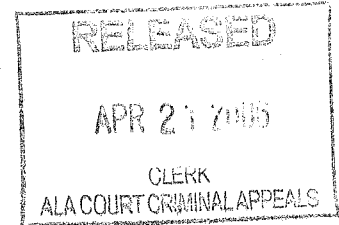
## Court of Criminal Appeals

State of Alabama

Judicial Building, 300 Dexter Avenue

P. O. Box 301555

Montgomery, AL 36130-1555



H.W."BUCKY" McMILLAN  
Presiding Judge  
SUE BELL COBB  
PAMELA W. BASCHAB  
GREG SHAW  
A. KELLI WISE  
Judges

Lane W. Mann  
Clerk  
Gerri Robinson  
Assistant Clerk  
(334) 242-4590  
Fax (334) 242-4689

### MEMORANDUM

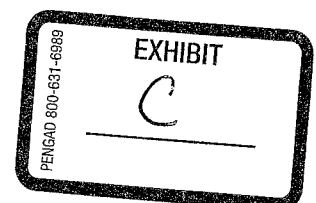
CR-05-0321 Houston Circuit Court 02-0165.62; 02-1166.62; 02-1168.62; 02-1169.62; 02-1170.62

Douglas Edward Stevenson v. State

McMILLAN, Judge.

The appellant appeals from the trial court's summary dismissal of his second Rule 32 petition for post-conviction relief.

The appellant's underlying convictions were based on his guilty pleas to the charges of one count of receiving stolen property in the second degree and four counts of possession of



a forged instrument in the second degree. The record indicates, that prior to sentencing, the appellant admitted to the trial court that he had three prior felony convictions. The trial court sentenced the appellant as a habitual offender to five concurrent terms of fifteen years' imprisonment, and ordered him to pay a \$1500 fine, \$750 to the Victims Compensation Fund, and \$9,904.19 in restitution.

In his first petition, the appellant argued that his sentence exceeded the maximum authorized by law because the record was silent as to his having any prior felonies. Additionally, he argues that the State failed to give him notice of its intent to proceed under the Habitual Felony Offender Act. The trial court found that the appellant's claims were contradicted by the record and that his claim that the State failed to give notice of its intent to proceed under the HFOA was precluded under Rule 32.2(a)(3) and (5), A.R. Crim. P. The trial court's judgment was affirmed by this Court in a memorandum opinion, Stevenson v. State, [Ms.CR-03-0200, January 23, 2004]\_\_\_ So. 2d \_\_\_ (Ala. Crim. App. 2004)(table).

In this petition, the appellant argues the trial court was without jurisdiction to impose his fifteen-year sentence

because the prior convictions to which he admitted at his guilty plea hearing, were misdemeanors from New York. Additionally, he argues that the record's silence as to which felonies were being used to enhance his sentence rendered his sentence outside of the jurisdictional range. The trial court dismissed the petition finding that it was successive and contradicted by the record.

Although the appellant, in brief, argues that his prior convictions were either felonies from New Jersey that were not committed by him or misdemeanors from New York, the record reflects, as it did during his first Rule 32 petition, that he admitted to having three prior felony convictions prior to entering his guilty pleas. Because the arguments in the appellant's instant petition are essentially the same arguments he raised in his first Rule 32 petition, the instant petition constitutes a successive petition. Rule 32.2(b), A. R. Crim. P.; Ex parte Walker, 800 So. 2d 135 (Ala. 2000). Moreover, because the appellant's petition was filed beyond the one-year statute of limitations period, it is procedurally precluded from appellate review. Rule 32.2(c), A. R. Crim. P.

The remaining claims raised by the appellant, including that the prosecutor suppressed evidence, ineffective

assistance of counsel, and the State failed to provide proper notice under the HFOA, were not presented to the trial court and were, therefore, not preserved for appellate review. See Straughn v. State, 876 So. 2d 492 (Ala. Crim. App. 2003).

The judgment of the trial court is affirmed.

AFFIRMED.

Cobb and Wise, JJ., concur. Baschab and Shaw, JJ., concur in the result.

**COURT OF CRIMINAL APPEALS  
STATE OF ALABAMA**

Lane W. Mann  
Clerk  
Gerri Robinson  
Assistant Clerk



P. O. Box 301555  
Montgomery, AL 36130-1555  
(334) 242-4590  
Fax (334) 242-4689

May 19, 2006

**CR-05-0321**

Douglas Edward Stevenson v. State of Alabama (Appeal from Houston Circuit Court:  
CC02-165.62; CC02-1166.62; CC02-1168.62; CC02-1169.62; CC02-1170.62)

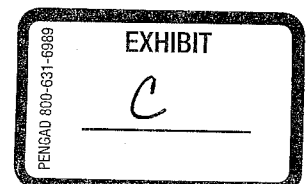
**NOTICE**

You are hereby notified that on May 19, 2006 the following action was taken in the above referenced cause by the Court of Criminal Appeals:

Application for Rehearing Overruled.

**Lane W. Mann, Clerk  
Court of Criminal Appeals**

**cc:** Hon. Judy Byrd, Circuit Clerk  
Douglas Edward Stevenson, Pro Se  
John M. Porter, Asst. Atty. Gen.





**THE STATE OF ALABAMA -- JUDICIAL DEPARTMENT**  
**THE ALABAMA COURT OF CRIMINAL APPEALS**

**CR-05-0321**

Douglas Edward Stevenson v. State of Alabama (Appeal from Houston Circuit Court:  
CC02-165.62; CC02-1166.62; CC02-1168.62; CC02-1169.62; CC02-1170.62)

**CERTIFICATE OF JUDGMENT**

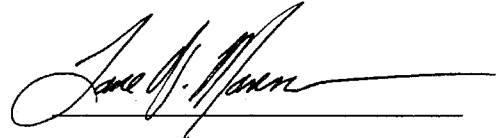
WHEREAS, the appeal in the above referenced cause has been duly submitted and considered by the Court of Criminal Appeals; and

WHEREAS, the judgment indicated below was entered in this cause on April 21st 2006:

**Affirmed by Memorandum.**

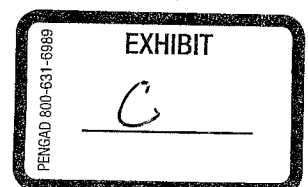
NOW, THEREFORE, pursuant to Rule 41 of the Alabama Rules of Appellate Procedure, it is hereby certified that the aforesaid judgment is final.

Witness. Lane W. Mann, Clerk  
Court of Criminal Appeals, on this  
the 7th day of June, 2006.



Clerk  
Court of Criminal Appeals  
State of Alabama

cc: Hon. Sidney Edward Jackson, Circuit Judge  
Hon. Judy Byrd, Circuit Clerk  
Douglas Edward Stevenson, Pro Se  
John M. Porter, Asst. Atty. Gen.



# COURT OF CRIMINAL APPEALS STATE OF ALABAMA

88018 Porter

H. W. "BUCKY" McMILLAN  
Presiding Judge  
SUE BELL COBB  
PAMELA W. BASCHAB  
GREG SHAW  
A. KELLI WISE  
Judges



Lane W. Mann  
Clerk  
Gerri Robinson  
Assistant Clerk  
(334) 242-4590  
Fax (334) 242-4689

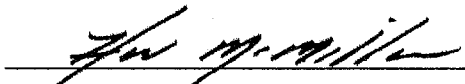
**CR-05-0321**

Douglas Edward Stevenson v. State of Alabama (Appeal from Houston Circuit Court:  
CC02-165.62; CC02-1166.62; CC02-1168.62; CC02-1169.62; CC02-1170.62)

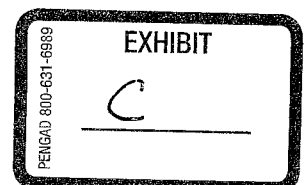
## ORDER

The Court of Criminal Appeals ORDERS that the certificate of judgment issued by this Court on June 7, 2006 be, and the same is hereby, recalled.

Done this the 22nd day of June, 2006.

  
H. W. "Bucky" McMillan, Presiding Judge  
Court of Criminal Appeals

cc: Hon. Sidney Edward Jackson, Circuit Judge  
Hon. Judy Byrd, Circuit Clerk  
Douglas Edward Stevenson, Pro Se  
John M. Porter, Asst. Atty. Gen.



**THE STATE OF ALABAMA - - JUDICIAL DEPARTMENT**  
**THE ALABAMA COURT OF CRIMINAL APPEALS**

**CR-05-0321**

Douglas Edward Stevenson v. State of Alabama (Appeal from Houston Circuit Court:  
CC02-165.62; CC02-1166.62; CC02-1168.62; CC02-1169.62; CC02-1170.62)

**CERTIFICATE OF JUDGMENT**

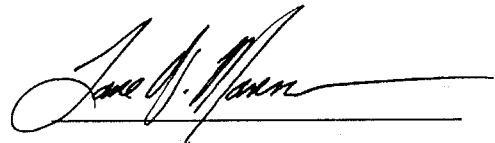
WHEREAS, the appeal in the above referenced cause has been duly submitted and considered by the Court of Criminal Appeals; and

WHEREAS, the judgment indicated below was entered in this cause on April 21st 2006:

**Affirmed by Memorandum.**

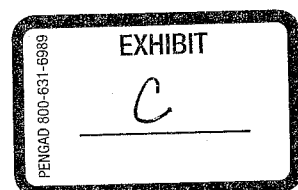
NOW, THEREFORE, pursuant to Rule 41 of the Alabama Rules of Appellate Procedure, it is hereby certified that the aforesaid judgment is final.

Witness. Lane W. Mann, Clerk  
Court of Criminal Appeals, on this  
the 15th day of September, 2006.



**Clerk**  
**Court of Criminal Appeals**  
**State of Alabama**

cc: Hon. Sidney Edward Jackson, Circuit Judge  
Hon. Judy Byrd, Circuit Clerk  
Douglas Edward Stevenson, Pro Se  
John M. Porter, Asst. Atty. Gen.



Porter

# IN THE SUPREME COURT OF ALABAMA



September 15, 2006

1051347

Ex parte Douglas Edward Stevenson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Douglas Edward Stevenson v. State of Alabama) (Houston Circuit Court: CC02-165.62; CC02-1166.62; CC02-1168.62; CC02-1169.62; CC02-1170.62; Criminal Appeals : CR-05-0321).

## CERTIFICATE OF JUDGMENT

### Writ Denied

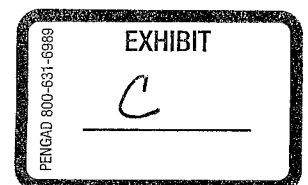
The above cause having been duly submitted, IT IS CONSIDERED AND ORDERED that the petition for writ of certiorari is denied.

SEE, J. - Nabers, C.J., and Harwood, Stuart, and Bolin, JJ., concur.

**I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.**

**Witness my hand this 15th day of September, 2006**

*Robert G. Esdale, Sr.*  
**Clerk, Supreme Court of Alabama**



COURT OF CRIMINAL APPEALS NO. <u>CR 05-0321</u>	
<b>APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS</b>	
FROM	
CIRCUIT COURT OF	<u>HOUSTON</u> COUNTY, ALABAMA
CIRCUIT COURT NO	<u>CC02-165.62; CC02-1166.62</u>
CIRCUIT JUDGE	<u>SIDNEY EDWARD JACKSON</u>
Type of Conviction/ Order Appealed From:	<u>RULE 32 PETITION</u>
Sentence Imposed:	<u>PETITION DENIED</u>
Defendant Indigent:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<u>DOUGLAS EDWARD STEVENSON</u>	
NAME OF APPELLANT	
PRO-SE	<u>#228063</u>
(Appellant's Attorney)	(Telephone No.)
<u>200 WALLACE DR</u>	
(Address)	
<u>CLIO,</u>	<u>AL</u> <u>36017</u>
(City)	(State) (Zip Code)
V.	
<u>STATE OF ALABAMA</u>	
NAME OF APPELLEE	
(State represented by Attorney General)	
NOTE: If municipal appeal, indicate above, and enter name and address of municipal attorney below.	
<u></u>	
<u></u>	

(For Court of Criminal Appeals Use Only)



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PRO372 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000165.62  
 R: RHM CASE ACTION SUMMARY  
 GE: 1 CIRCUIT CRIMINAL  
 IN THE CIRCUIT COURT OF HOUSTON RUN DATE: 09/16/2005  
 JUDGE: SEJ

STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD  
 CASE: CC 2 000165.62 EASTERLING CORR. FAC.  
 P. O. BOX 10  
 CLIO, AL 36017 0000  
 DOB: 04/25/1957 SEX: M RACE: B HT: 5 08 WT: 180 HR: BLK EYES: BRO  
 SSN: 077506735 ALIAS NAMES:  
 CHARGE01: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001  
 OFFENSE DATE: AGENCY/OFFICER:

DATE WAR/CAP ISS: DATE ARRESTED:  
 DATE INDICTED: DATE FILED: 05/05/2005  
 DATE RELEASED: DATE HEARING:  
 BOND AMOUNT: \$ .00 SURETIES:

DATE 1: DESC: TIME: 0000  
 DATE 2: DESC: TIME: 0000

TRACKING NOS:

DEF/ATY: PRO SE

TYPE: A

TYPE:

00000

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PROSECUTOR: VALESKA DOUGLAS A

OTH CSE: 00000000000000000000 CHK/TICKET NO:  
 COURT REPORTER: SID NO: 0000000000 GRAND JURY:  
 STATUS: JAIL DEMAND: Y OPER: RHM

DATE ACTIONS, JUDGEMENTS, AND NOTES

9-15-05	Rule 32 Petition; Petition for Relief from Conviction or Sentence. In Forma Pauperis Declaration.  9/20/05 Free filing authorized. In that free filing has been previously authorized for petitions in the past, Defendant is allowed 15 additional days to amend his petition as to any additional or further claims which he might have as free filing will not be available in the future. 9-21-05 N: Da & Dept  CIRCUIT JUDGE
09-27-05	Motion for Summary Disposition. 10/11/05 This is Defendant's 2nd petition on this same issue. The dismissal of last Petition was affirmed 11/23/04. This Petition also fails to state a claim and is contrary to the record. Therefore, it is dismissed. 10/14/05 N: Dept Person, [Signature]

STATE OF ALABAMA VS. DOUGLAS EDWARD STEVENSON CC2002-165.62

10-20-05 Reply and rebutal to State's Motion for Summary Disposition.

11-7-05 *notice of appeal + transcript order. In forma Pauperis  
declaration. Reporter's transcript order. CCA docketing  
statement.*

11-15-05 Clerk's notice of appeal, CCA docketing statement and CR transcript  
order to CCA, AG and deft.



0372 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 001166.62  
 R: RHM CASE ACTION SUMMARY  
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 09/16/2005  
 IN THE CIRCUIT COURT OF HOUSTON JUDGE: SEJ

STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD  
 CASE: CC 2002 001166.62 EASTERLING CORR. FAC.  
 200 WALLACE DR  
 CLIO, AL 36017 0000

DOB: 04/25/1957 SEX: M RACE: B HT: 5 08 WT: 180 HR: BLK EYES: BRO  
 SSN: 077506735 ALIAS NAMES:  
 CHARGE01: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001  
 OFFENSE DATE: AGENCY/OFFICER:

DATE WAR/CAP ISS: DATE ARRESTED:  
 DATE INDICTED: DATE FILED: 09/15/2005  
 DATE RELEASED: DATE HEARING:  
 BOND AMOUNT: \$ .00 SURETIES:

DATE 1: DESC: TIME: 0000  
 DATE 2: DESC: TIME: 0000

TRACKING NOS: DC 2002 001355 00 /

DEF/ATY: PRO SE

TYPE: A

TYPE:

00000

00000

PROSECUTOR: VALESKA DOUGLAS A

OTH CSE: DC200200135500 CHK/TICKET NO: GRAND JURY:  
 COURT REPORTER: SID NO: 000000000  
 STATUS: JAIL DEMAND: Y OPER: RHM

DATE ACTIONS, JUDGEMENTS, AND NOTES

9-15-05	Rule 32 Petition; Petition for Relief from Conviction or Sentence. In Forma Pauperis Declaration.
	<i>01/20/05</i> Free filing authorized. In that free filing has been previously authorized for petitions in the past, Defendant is allowed 15 additional days to amend his petition as to any additional or further claims which he might have as free filing will not be available in the future.
	<i>9-21-05 N: Da &amp; Dept</i>
	<i>[Signature]</i> CIRCUIT JUDGE
09-27-05	Motion for Summary Disposition.
10-11-05	This is defendant's 2nd petition on this same issue. The dismissal of that petition was affirmed 1/23/04. This petition also fails to state a claim and is contrary to the record, therefore it is dismissed.

*10-14-05 N: Dept*

/s/Jackson, Judge

STATE OF ALABAMA VS DOUGLAS EDWARD STEVENSON CC 2002-1166.62

11-07-05 Notice of appeal and transcript order. In Forma Pauperis declaration.  
Reporter's transcript order and CCA docketing statement.

11-15-05 Clerk's notice of appeal, CCA docketing statement and CR transcript  
order to CCA, AG and deft.



STATE OF ALABAMA VS DOUGLAS EDWARD STEVENSON

CC 2002-1168.62

- 11-07-05 Notice of appeal and transcript order. In Forma Pauperis declaration.  
Reporter's transcript order and CCA docketing statement.
- 11-15-05 Clerk's notice of appeal, CCA docketing statement and CR transcript  
order to CCA, AG and deft.

0372 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 001169.62  
 R: RHM CASE ACTION SUMMARY  
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 09/16/2005  
 IN THE CIRCUIT COURT OF HOUSTON JUDGE: SEJ

STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD  
 CASE: CC 2002 001169.62 EASTERLING CORR. FAC.  
 2100 WALLACE DR  
 CLIO, AL 36017 0000  
 DOB: 04/25/1957 SEX: M RACE: B HT: 5 08 WT: 180 HR: BLK EYES: BRO  
 SSN: 077506735 ALIAS NAMES:  
 CHARGE01: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001  
 OFFENSE DATE: AGENCY/OFFICER:

DATE WAR/CAP ISS: DATE ARRESTED:  
 DATE INDICTED: DATE FILED: 09/15/2005  
 DATE RELEASED: DATE HEARING:  
 BOND AMOUNT: \$ .00 SURETIES:

DATE 1: DESC: TIME: 0000  
 DATE 2: DESC: TIME: 0000

TRACKING NOS: DC 2002 001329 00 /

DEF/ATY: PRO SE

TYPE: A

TYPE:

00000

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PROSECUTOR: VALESKA DOUGLAS A

OTH CSE: DC200200132900 CHK/TICKET NO: GRAND JURY:  
 COURT REPORTER: SID NO: 000000000  
 STATUS: JAIL DEMAND: Y OPER: RHM

DATE ACTIONS, JUDGEMENTS, AND NOTES

9-15-05	Rule 32 Petition; Petition for Relief from Conviction or Sentence. In Forma Pauperis Declaration. <i>9/20/05</i> Free filing authorized In that free filing has been previously authorized for petitions in the past, Defendant is allowed 15 additional days to amend his petition as to any additional or further claims which he might have as free filing will not be available in the future. <i>9-21-05 N: Oa &amp; Dept</i> CIRCUIT JUDGE
09-27-05	Motion for Summary Disposition.
10-11-05	This is defendant's 2nd petition on this same issue. The dismissal of that petition was affirmed 1/23/04. This petition also fails to state a claim and is contrary to the record, therefore it is dismissed. <i>10/15/05 N: Dept</i> /s/Jackson, Judge

STATE OF ALABAMA VS DOUGLAS EDWARD STEVENSON CC 2002-1169.62

11-07-05 Notice of appeal and transcript order. In Forma Pauperis declaration.  
Reporter's transcript order and CCA docketing statement.

11-15-05 Clerk's notice of appeal, CCA docketing statement and CR transcript  
order to CCA, AG and deft.

0372 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 001170.62  
 R: RHM CASE ACTION SUMMARY  
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 09/16/2005  
 IN THE CIRCUIT COURT OF HOUSTON JUDGE: SEJ

STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD  
 CASE: CC 2002 001170.62 EASTERLING CORR. FAC.  
 2100 WALLACE DR  
 CLIO, AL 36017 0000  
 DOB: 04/25/1957 SEX: M RACE: B HT: 5 08 WT: 180 HR: BLK EYES: BRO  
 SSN: 077506735 ALIAS NAMES:  
 CHARGE01: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001  
 OFFENSE DATE: AGENCY/OFFICER:

DATE WAR/CAP ISS: DATE ARRESTED:  
 DATE INDICTED: DATE FILED: 09/15/2005  
 DATE RELEASED: DATE HEARING:  
 BOND AMOUNT: \$ .00 SURETIES:

DATE 1: DESC: TIME: 0000  
 DATE 2: DESC: TIME: 0000

TRACKING NOS: DC 2002 001489 00 /

DEF/ATY: PRO SE

TYPE: A

TYPE:

00000

00000

PROSECUTOR: VALESKA DOUGLAS A

OTH CSE: DC200200148900 CHK/TICKET NO: GRAND JURY:  
 COURT REPORTER: SID NO: 000000000  
 STATUS: JAIL DEMAND: Y OPER: RHM

DATE ACTIONS, JUDGEMENTS, AND NOTES

9-15-05	Rule 32 Petition; Petition for Relief from Conviction or Sentence. In Forma Pauperis Declaration.  9/20/05 Free filing authorized. In that free filing has been previously authorized for petitions in the past, Defendant is allowed 15 additional days to amend his petition as to any additional or further claims which he might have as free filing will not be available in the future.  CIRCUIT JUDGE
09-27-05	Motion for Summary Disposition.
10-11-05	This is defendant's 2nd petition on this same issue. The dismissal of that petition was affirmed 1/23/04. This petition also fails to state a claim and is contrary to the record, therefore it is dismissed. 10-14-05 N. Deft /s/Jackson, Judge

STATE OF ALABAMA VS DOUGLAS EDWARD STEVENSON CC2002-1170.622

11-07-05 Notice of appeal and transcript order. In Forma Pauperis declaration.  
Reporter's transcript order and CCA docketing statement.

11-15-05 Clerk's notice of appeal, CCA docketing statement and CR transcript  
order to CCA, AG and deft.



# PETITION FOR RELIEF FROM CONVICTION OR SENTENCE

(Pursuant to Rule 32,  
Alabama Rules of Criminal Procedure)

Case Number

ID	YR	NUMBER

IN THE CIRCUIT COURT COURT OF Houston Co. ALABAMA

Douglas E. Stevenson vs. State of Alabama

Petitioner (Full Name)

Respondent

[Indicate either the "State" or,  
if filed in municipal court, the  
name of the "Municipality"]

Prison Number # 22 80 63 Place of Confinement Easterling Corr. Facility

County of conviction Houston County "Dothan" Alabama

NOTICE: BEFORE COMPLETING THIS FORM, READ CAREFULLY  
THE ACCOMPANYING INSTRUCTIONS.

1. Name and location (city and county) of court which entered the judgment of conviction or sentence under attack Dothan, Alabama  
Houston County, Alabama
2. Date of judgment of conviction March 11, 2003
3. Length of sentence 15 years
4. Nature of offense involved (all counts) Receiving Stolen Property and possession of forged Instrument II.
5. What was your plea? (Check one)
  - (a) Guilty ☒
  - (b) Not guilty ☐
  - (c) Not guilty by reason of mental disease or defect ☐
  - (d) Not guilty and not guilty by reason of mental disease or defect ☐

6. Kind of trial: (Check one)

(a) Jury \_\_\_\_\_

(b) Judge only ☒

7. Did you testify at the trial?

Yes \_\_\_\_\_

No ☒

8. Did you appeal from the judgment of conviction?

Yes \_\_\_\_\_

No ☒

9. If you did appeal, answer the following:

(a) As to the state court to which you first appealed, give the following information:

(1) Name of court \_\_\_\_\_

N/A

(2) Result \_\_\_\_\_

N/A

N/A

(3) Date of result \_\_\_\_\_

N/A

(b) If you appealed to any other court, then as to the second court to which you appealed, give the following information:

(1) Name of court \_\_\_\_\_

N/A

(2) Result \_\_\_\_\_

N/A

(3) Date of result \_\_\_\_\_

N/A

(c) If you appealed to any other court, then as to the third court to which you appealed, give the following information:

(1) Name of court \_\_\_\_\_

N/A

(2) Result \_\_\_\_\_

N/A

(3) Date of result \_\_\_\_\_

N/A

10. Other than a direct appeal in the judgment of conviction, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes \_\_\_\_\_ No X

1. If your answer to Question 10 was "yes", then give the following information in regard to the first such petition, application, or motion you filed:

- (a) (1) Name of court N/A  
 (2) Nature of proceeding N/A  
 (3) Grounds raised N/A

(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes \_\_\_\_\_ No N/A

(5) Result N/A

(6) Date of result N/A

(b) As to any second petition, application, or motion, give the same information:

- (1) Name of court N/A  
 (2) Nature of proceeding N/A  
 (3) Grounds raised N/A

(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes \_\_\_\_\_ No X

(5) Result N/A

(6) Date of result N/A

(c) As to any third petition, application, or motion, give the same information (attach additional sheets giving the same information for any subsequent petitions, applications, or motions):

- (1) Name of court N/A

(2) Nature of proceedings \_\_\_\_\_

(3) Grounds raised \_\_\_\_\_

N/A

(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes \_\_\_\_\_

No X

(5) Result \_\_\_\_\_

N/A

(6) Date of result \_\_\_\_\_

N/A

(d) Did you appeal to any appellate court the result of the action taken on any petition, application, or motion?

(1) First petition, etc.

Yes X

No X

(2) Second petition, etc.

Yes X

No X

(2) Third petition, etc.

Yes X

No \_\_\_\_\_

ATTACH ADDITIONAL SHEETS GIVING THE SAME INFORMATION FOR ANY SUBSEQUENT PETITIONS, APPLICATIONS, OR MOTIONS.

(e) If you did not appeal when you lost on any petition, application, or motion, explain briefly why you did not:

N/A

12. Specify every ground on which you claim that you are being held unlawfully, by placing a check mark on the appropriate line(s) below and providing the required information. Include all facts. If necessary, you may attach pages stating additional grounds and the facts supporting them.

## GROUND S OF PETITION

Listed below are the possible grounds for relief under Rule 32. Check the ground(s) that apply in your case, and follow the instruction under the ground(s):

A. The Constitution of the United States or of the State of Alabama requires a new trial, a new sentence proceeding, or other relief.

For your information, the following is a list of the most frequently raised claims of constitutional violation:

- (2) Conviction obtained by use of coerced confession.
- (3) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (4) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (5) Conviction obtained by a violation of the privilege against self-incrimination.
- (6) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (7) Conviction obtained by a violation of the protection against double jeopardy.
- (8) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (9) Denial of effective assistance of counsel.

This list is not a complete listing of all possible constitutional violations.

If you checked this ground of relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each constitutional violation that you claim, whether or not it is one of the nine listed above, and include under it each and every fact you feel supports this claim. Be specific and give details.

Yes

- B. The court was without jurisdiction to render the judgment or to impose the sentence.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

Yes

- C. The sentence imposed exceeds the maximum authorized by law, or is otherwise not authorized by law.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

- D. Petitioner is being held in custody after his sentence has expired.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

- E. Newly discovered material facts exist which require that the conviction or sentence be vacated by the court, because:

The facts relied upon were not known by petitioner or petitioner's counsel at the time of trial or sentencing or in time to file a post-trial motion pursuant to rule 24, or in time to be included in any previous collateral proceeding, and could not have been discovered by any of those times through the exercise of reasonable diligence; and

The facts are not merely cumulative to other facts that were known; and

If the facts had been known at the time of trial or sentencing, the result would probably have been different; and

The facts establish that petitioner is innocent of the crime for which he was convicted or should not have received the sentence that he did.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

- F. The petitioner failed to appeal within the prescribed time and that failure was without fault on petitioner's part.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

13. IMPORTANT NOTICE REGARDING ADDITIONAL PETITIONS RULE 32.2(b) LIMITS YOU TO ONLY ONE PETITION IN MOST CIRCUMSTANCES. IT PROVIDES:

"Successive Petitions. The court shall not grant relief on a second or successive petition on the same or similar grounds on behalf of the same petitioner. A second or successive petition on different grounds shall be denied unless the petitioner shows both that good cause exist why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and that failure to entertain the petition will result in a miscarriage of justice."

- A. Other than an appeal to the Alabama Court of Criminal Appeals or the Alabama Supreme Court, have you filed in state court any petition attacking this conviction or sentence?

Yes \_\_\_\_\_ No X

- B. If you checked "Yes," give the following information as to earlier petition attacking this conviction or sentence:

(a) Name of court N/A  
 (b) Result N/A  
 (c) Date of result N/A  
 (attach additional sheets if necessary)

- C. If you checked the "Yes" line in 13A, above, and this petition contains a different ground or grounds of relief from an earlier petition or petitions you filed, attach a separate sheet or sheets labeled: "EXPLANATION FOR NEW GROUND(S) OF RELIEF."

On the separate sheet(s) explain why "good cause exists why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and [why the] failure to entertain [this] petition will result in a miscarriage of justice."

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes \_\_\_\_\_ No X

15. Give the name and address, if known, of each attorney who represented you at any time during the case that resulted in the judgment under attack:

- (a) At preliminary hearing \_\_\_\_\_  
 \_\_\_\_\_
- (b) At arraignment and plea \_\_\_\_\_  
 \_\_\_\_\_
- (c) At trial \_\_\_\_\_  
 \_\_\_\_\_
- (d) At sentencing Sec Clerk Record \_\_\_\_\_  
 \_\_\_\_\_
- (e) On appeal \_\_\_\_\_  
 \_\_\_\_\_
- (f) In any post-conviction proceeding \_\_\_\_\_  
 \_\_\_\_\_
- (g) On appeal from adverse ruling in a post-conviction proceeding \_\_\_\_\_  
 \_\_\_\_\_

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes X No \_\_\_\_\_

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes \_\_\_\_\_ No X

(a) If so, give name and location of court which imposed sentence to be served in the future: \_\_\_\_\_

NONE

(b) And give date and length of sentence to be served in the future: \_\_\_\_\_

NONE

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes \_\_\_\_\_ No X

18. What date is this petition being mailed?

8-24-05

Wherefore, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

ID YR NUMBER  
(To be completed  
by Court Clerk)

IN FORMA PAUPERIS DECLARATION  
Circuit Court of Houston County Alabama  
(Insert appropriate court)

Douglas Edward Stevenson  
(Petitioner)

vs.

State of Alabama  
(Respondent(s))

DECLARATION IN SUPPORT OF REQUEST TO PROCEED  
IN FORMA PAUPERIS

I, Douglas Edward Stevenson, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? Yes \_\_\_\_\_ No ☒

a. If the answer is "yes", state the amount of your salary or wages per month, and give the name and address of your employer.

\_\_\_\_\_  
\_\_\_\_\_

b. If the answer is "no", state the date of last employment and the amount of the salary and wages per month which you received.

\_\_\_\_\_  
\_\_\_\_\_

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession, or other form of self-employment?

Yes \_\_\_\_\_

No ☒

b. Rent payments, interest, or dividends?

Yes \_\_\_\_\_

No ☒

c. Pensions, annuities, or life insurance payments?

Yes \_\_\_\_\_

No ☒

d. Gifts or inheritances?

Yes \_\_\_\_\_

No ☒

e. Any other sources?

Yes \_\_\_\_\_

No ☒



If the answer to any of the above is "yes", describe each source of money and state the amount received from each during the past twelve months.

3. Do you own cash, or do you have money in a checking or savings account?

Yes \_\_\_\_\_

No ✓

(Include any funds in prison accounts.)

If the answer is "yes", state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes \_\_\_\_\_

No ✓

If the answer is "yes", describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_ (Date)

Joseph E. Stevenson  
Signature of Petitioner

228063

#### CERTIFICATE

I hereby certify that the petitioner herein has the sum of \$ 2.05 on account to his credit at the institution where he is confined. I further certify that petitioner likewise has the foregoing securities to his credit according to the records of said Easterling institution.

See attached

8-18-05

DATE

Wynne K. Peters  
AUTHORIZED OFFICER OF INSTITUTION

STATE OF ALABAMA  
DEPARTMENT OF CORRECTIONS  
EASTERLING CORR FACILITY

AIS #: 228063

NAME: STEVENSON, DOUGLAS EDWARD

AS OF: 08/18/2005

MONTH	# OF DAYS	AVG DAILY BALANCE	MONTHLY DEPOSITS
AUG	13	\$0.09	\$0.00
SEP	30	\$0.09	\$0.00
OCT	31	\$0.09	\$0.00
NOV	30	\$0.09	\$0.00
DEC	31	\$0.09	\$0.00
JAN	31	\$0.09	\$0.00
FEB	28	\$0.09	\$0.00
MAR	31	\$0.09	\$0.00
APR	30	\$5.90	\$42.00
MAY	31	\$2.05	\$0.00
JUN	30	\$2.05	\$0.00
JUL	31	\$2.05	\$0.00
AUG	18	\$2.05	\$0.00

IN The Circuit Court of Houston  
County, Alabama

**FILED**

SEP 15 2005

State of Alabama  
Plaintiff

-VS-

Douglas E. STEVENSON  
Defendant

*Judy Byrd*  
JUDY BYRD, CLERK  
HOUSTON CO., AL

1166, 1168, 1169, 1170

Case No: CC-02-165 ~~THRU 170~~

### Rule 32 Petition

Comes now Douglas E. STEVENSON petitioner, and pursuant to post-conviction relief, petition the Honorable Court to issue a full order setting this cause for a hearing under Rule 32.9(a).

The following grounds as stated under Alabama Law demand a full hearing, and the resentencing of Petitioner the following.

#### GROUND ONE

The Court was without jurisdiction to impose a 15 Fifteen Year Term of imprisonment for a Class "C" Felony.

The Circuit Court of Houston County, Alabama under CC-02-165 for RECEIVING STOLEN PROPERTY II, Possession of Forged Instrument 2<sup>nd</sup> Degree, imposed a 15 year sentence in the State Prison for a Class "C" Felony, the minimum for a Class "C" is a Year and A-day. the maximum term is only ten years.

Therefore the Court was without jurisdiction to impose a sentence of 15 years for RECEIVING STOLEN PROPERTY and Possession

of Forged Instrument's 2<sup>nd</sup> Degree Charge.

The Court had no jurisdiction where it is mandatory under the Statute Code of Alabama 1975 Section 13A-5-9 to show and prove certified out of State Convictions, the State of Alabama is required to show and prove that Petitioner had any Prior Felony Convictions, and was sentenced. Convicted and represented by Counsel.

The State never showed any to the Court for me to admit to, therefore the Sentence for 15 years is clearly illegal, Code of Alabama 1975 Section 13A-5-6 (a) (b) demands a minimum of only 10 years. However Defendant did admit in Court of having Prior Felony Conviction's from out of State but said admission's were based on his Public Defender's coercive advice telling Defendant that it was in his best interest to admit to prior's, otherwise the Defendant would face 99 years or a Life Sentence. and Defendant at that time didn't realize the difference in Illegal Sentencing between Alabama and his Home State New York where all his prior\* misdemeanors conviction were Fines.

SEE Exhibit A - 7 pages.

Please Note:

The priors Defendant admitted to in open court were from the State of New York. which list misdemeanor's as Felony Misdemeanor's, fines were paid and cases dismissed. Alabama law is different and doesn't list them as felonies, this fact the Defendant didn't know at the time as he entered his guilty plea at issue here.

## GROUND TWO

The sentence to 15 years for a Class "C" Felony is illegal.

The Maximum term for Receiving Stolen Property II is only 10 years, the Circuit Court imposing a term of 15 years for a Class "C" Felony is illegal and unauthorized by law, the true fact is your petitioner has never been convicted of a Felony Offense in any State of the United States prior to the conviction imposed from Houston County Alabama.

## RELIEF

1. The Court to issue a order for the State to show before this Court the priors
2. The State must prove that i have Felony priors.
3. The State must prove that i was represented by counsel at Sentencing.
4. The Out of State Felonies must be considered to be either misdemeanors or Felonies for the State of Alabama.
5. The Court set this case for a full hearing on the docket.
6. The Judge to issue an order to transport petitioner back to court for a hearing.
7. The Court to appoint Counsel to represent Petitioner.
8. The Court to take judicial notice that Petitioner claims is jurisdictional.

It is so prayed

Respectfully  
Douglas E. Stevenson

Douglas E. Stevenson

~~EXHIBIT~~

"A"

7 pgs.

7 pgs.

"A"

~~EXHIBIT~~



STATE OF NEW YORK  
DIVISION OF CRIMINAL JUSTICE SERVICES  
4 TOWER PLACE  
ALBANY, NEW YORK 12203- 3764

**TO:** Record Review Requestor

**FROM:** Supervisor, Administration Unit - Identification  
and Criminal History Bureaus

**SUBJECT:** Review of Personal Criminal History Record

Enclosed is a copy of your criminal history record as maintained by the New York State Division of Criminal Justice Services (DCJS). You will observe that it does not contain any personal identifying information which could be used to link the record to you in the event that it falls out of your possession.

If you wish to challenge the accuracy or completeness of any information contained in your record, please complete the enclosed **Record Review and Statement of Challenge** form, and return it to the attention of the Supervisor, Administration Unit at the above address.

Challenges to case disposition information, or its absence, must be supported by the submission to DCJS of a certified disposition document from the court of adjudication. The document must be an original containing the embossed seal of the court and the signature of either the presiding judge or court clerk.

Challenges to arrest charges should be directed to the law enforcement agency that reported the charges to DCJS. We cannot modify arrest charges unless written authorization to do so is received from the reporting agency.

If your record is corrected or completed as a result of a successful challenge, you will receive a corrected copy of your criminal history record from DCJS.

GB/kmc



8 copies

NY State Division of Criminal Justice Services  
Record Review/Challenge Unit - 5th Floor  
4 Tower Place  
Albany, New York 12203-3702

DATE: 12/16/04

NAME: STEVENSON, DOUGLAS

ID# 228063

FACILITY: EASTERLING CORR FAC. 200  
WALLACE DR., CLIO, ALABAMA 36017

NYSID#: 3914934Y

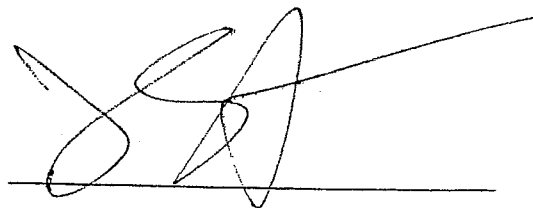
RESPONSE TO CHALLENGE/CORRESPONDENCE DATED: 11/22/04

Event Date(s): Criminal History Record

Attached is the "Request for Record Review" form that you submitted for your "Record Review". I have highlighted the NOTE found on the request form advising you that no personal identifying information would be included on our response. The sole purpose of a "Record Review" is to review the criminal history information, maintained on file at the NYS Division of Criminal Justice Services, for completeness and correctness.

DCJS is New York State's repository for criminal history information. To receive criminal history information from another state you will need to do a FBI - Record Review. The address is 1000 Custer Hollow Road, Clarksburg, West Virginia 26306. Please contact them to resolve this issue.

DCJS is the repository for criminal history information. You will need to contact the issuing agency ( courts, police departments etc.) in regard to parole violations, detainers, holds, etc.



James W. Stanco  
Chief, Special Services Bureau

DATE 12-14-04  
TIME 1058STATE OF NEW YORK  
DIVISION OF CRIMINAL JUSTICE SERVICES  
CONFIDENTIAL TO: RECORD REVIEWTRAN NO RM076  
PAGE 1

!NYSID 3914934Y !

< < < < < < CRIMINAL HISTORY > > > > > >		
ARREST INFORMATION	ARREST/ARRAIGNMENT CHARGES	DISPOSITION AND RELATED DATA
ARR DT/PL 10-03-75 BRONX	ARREST - - PETIT LARCENY PL 155.25 CLASS A MISD	10-03-75 DISPOSITION - - CRIM CRT BRONX DKT # X532006 INITIAL REPORT OF DOCKET NUMBER
CRM DATE: 10-03-75 CRIME PLACE: BRONX	NO SUB NCIC 2399	
ARR#/AGY 04234424 NYCPD PCT 042	CRIMINAL MISCHIEF-4TH PL 145.00 CLASS A MISD	NO SUB NCIC 2999
CRT CON# 02008142L		
FAX NO B024368		
ARR DT/PL 03-10-79 BRONX	ARREST - - POSSESSION STOLEN PROPERTY-1ST PL 165.50 CLASS D FEL	11-29-79 DISPOSITION - - CRIM CRT BRONX DKT # X908257 DISMISSED CPL160.50
CRM DATE: 03-10-79 CRIME PLACE: BRONX	NO SUB NCIC 2804	
ARR#/AGY 04407512 NYCPD PCT 044	CRIMINAL MISCHIEF-4TH PL 145.00 CLASS A MISD	THE FOLLOWING CHARGE(S): CRIM MIS:INTENT DAMAGE PROPRTY PL 145.00 CLASS A MISD
CRT CON# 04342537Z	NO SUB NCIC 2999	SUB 01 NCIC 2999
Y. NO B005362		UNAUTHORIZED USE OF A VEHICLE PL 165.05 CLASS A MISD
		NO SUB NCIC 2411
		POSSESSION STOLEN PROPERTY-3RD PL 165.40 CLASS A MISD
		NO SUB NCIC 2804
		(REDUCED FROM: POSSESSION STOLEN PROPERTY-1ST PL 165.50 CLASS D FEL
		NO SUB NCIC 2804)
		06-14-93 CRIM CRT BRONX DKT # X908257 SEALED UPON TERMINATION OF CRIMINAL ACTION IN FAVOR OF THE ACCUSED CPL160.50
		06-22-79 CRIM CRT BRONX DKT # X908258 BENCH WARRANT ISSUED
		05-10-79 CRIM CRT BRONX DKT # X908258 BENCH WARRANT ISSUED

(CONT. NEXT PAGE)

DATE 12-14-04

NYSID 3914934Y

PAGE 2

&lt; &lt; &lt; &lt; &lt; &lt; CRIMINAL HISTORY &gt; &gt; &gt; &gt; &gt; &gt;

ARREST  
INFORMATION

## ARREST/ARRAIGNMENT CHARGES

DISPOSITION AND  
RELATED DATA05-25-79 CRIM CRT BRONX  
DKT # X908258  
RETURNED ON WARRANT03-11-79 CRIM CRT BRONX  
DKT # X908257  
INITIAL REPORT OF DOCKET  
NUMBER05-10-79 CRIM CRT BRONX  
DKT # X908257  
BENCH WARRANT ISSUED,  
DISPOSITION PENDING

ATTORNEY TYPE: LEGAL AID

ARR DT/PL 03-26-80  
MOUNT VERNONCRM DATE: 03-26-80  
CRIME PLACE:  
MOUNT VERNONARR#/AGY B12843  
MT VERNON PD

F CON# 06447751J

- - - ARREST - - -

PETIT LARCENY

PL 155.25  
CLASS A MISDNO SUB  
NCIC 2399

CRIM POSS CONTRL SUBST

PL 220.03  
CLASS A MISDNO SUB  
NCIC 359905-05-80 MT VERNON CITY CRT  
DKT # 477-80  
CONVICTED UPON PLEA OF GUILTYTHE FOLLOWING CHARGE(S):  
DIS/CON: CREATING DANGEROUS ACT  
PL 240.20 SUB 07  
VIOL NCIC 5311  
SENT: CONDITIONAL DISCHARGE  
FINE: \$2505-05-80 MT VERNON CITY CRT  
DKT # 477-80  
CONVICTED UPON PLEA OF GUILTYTHE FOLLOWING CHARGE(S):  
DISORDERLY CONDUCT  
PL 240.20 NO SUB  
VIOL NCIC 5311  
SENT: CONDITIONAL DISCHARGE  
FINE: \$25 FINE PAID05-05-80 MT VERNON CITY CRT  
DKT # 477-80  
DISMISSEDTHE FOLLOWING CHARGE(S):  
CRIM POSS CONTRL SUBST-7TH  
PL 220.03 NO SUB  
CLASS A MISD NCIC 359905-05-80 MT VERNON CITY CRT  
DKT # 477-80

(CONT. NEXT PAGE)

WHERE AN INDIVIDUAL IS SENTENCED JUNE 1, 1981, OR LATER, ON MORE THAN ONE CHARGE WITHIN A DOCKET, THE SENTENCES MAY BE CONSIDERED TO BE CONCURRENT UNLESS IDENTIFIED AS CONSECUTIVE.

JUN 14, 2005 CRIMINAL COURT OF THE CITY OF NEW YORK PAGE 1  
TIME: 11:25 COUNTY OF BRONX

# APPEARANCE HISTORY

STEVENSON, DONALD AS C4342537Z N3914934Y\* ARREST: MAR 10, 1979  
DOB: 04/25/1957 ARR: 04407512/79 X908257 (F) SS#:  
MALE BLACK CRIME: 03/10/1979 INC:

1075 EAST 179TH STREET BRONX NY  
OFFICER: DONOHUE 28195 44PCT  
ARRESTING AGENCY: NYPD

DOCKET: X908258

OTHER ARREST CHARGES: 1. 165.50 (DF) \* 2. 145.00 (AM) \* 3. 165.05 (AM)  
5. 165.40 (AM)

ARRAIGNED CHARGES: 4. VTL509 (I) 6. VTL509.1 (I)  
ADDED CHARGES:

## APPEARANCE HISTORY

05/25/1979 (OPEN) AP2 JDG: HECHT, B RPTR: SULLIVAN, M ROW NT  
PGSI SI=5D PLED TO: VTL 509.1 ROR FINE: \$25 ADJ SURCH: NA  
CVAF: W

05/10/1979 (OPEN) AP2 JDG: HECHT, B RPTR: NT PRWO

04/26/1979 (OPEN) AP2 JDG: HECHT, B RPTR: NT C PC

04/03/1979 (OPEN) AP2 JDG: HECHT, B RPTR: NT C PC

03/11/1979 (OPEN) APAR4 JDG: TEST, RPTR: ARR: PA C ROR

\*\*\*\*MOTION INFORMATION\*\*\*\*

NO MOTION INFORMATION ON FILE

VTL509 (I) PG \$I \$25/005,  
VTL509.1 (I) PG \$I \$25/5D5,

9/20/05 Free filing authorized.  
In that free filing has been previously  
authorized for petitions in the past,  
Defendant is allowed 15 additional days  
to amend his petition as to any additional  
or further claims which he might have as  
free filing will not be available in the future.

9-21-05 n: Ra & dept

Rubens  
CIRCUIT JUDGE

EX PARTE, ) IN THE CIRCUIT COURT OF  
DOUGLAS EDWARD STEVENSON ) HOUSTON COUNTY, ALABAMA  
VS. )  
STATE OF ALABAMA ) CASE NO. CC 2002-165,1166,1168,1169  
 ) &1170

MOTION FOR SUMMARY DISPOSITION

Comes now the State of Alabama and moves the Court for an order summarily dismissing the petition filed herein and for reason alleges the following:

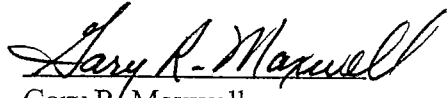
1. The petition fails to state a claim for which relief may be granted.
2. The grounds alleged in the petition either were raised at trial or could have been but were not raised at trial.
3. The grounds alleged in the petition either were raised on appeal or could have been but were not raised on appeal.
4. The grounds alleged and facts stated do not amount to newly discovered evidence.
5. The issues presented in the instant petition are identical to those presented in a previous petition filed on September 9, 2003, which was denied and appeal affirmed.
6. In the present petition the petitioner refers only to a New York conviction. The State relied on three convictions from the state of New Jersey. Further, the petitioner admitted in open court on the record these three priors.
7. The State denies each and every material allegation contained within the petition.

**FILED**

SEP 27 2005

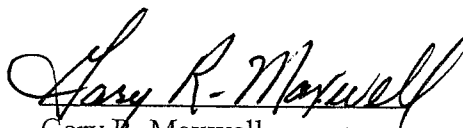
JUDY BYRD, CLERK  
HOUSTON CO., AL

Submitted this 26<sup>th</sup> day of September, 2005.

  
Gary R. Maxwell  
Chief Assistant District Attorney

CERTIFICATE OF SERVICE

I, Gary R. Maxwell, Chief Assistant District Attorney, hereby certify that I have placed a copy of the same in the U.S. mail, postage prepaid, to Douglas Edward Stevenson #228063, Easterling Correctional Facility, 200 Wallace Drive, Clio, AL 36017 26<sup>th</sup> day of September, 2005.

  
Gary R. Maxwell  
Chief Assistant District Attorney



10/11/05

This is Defendant's 2<sup>d</sup> Petition on the same issue. The dismissal of the 1<sup>st</sup> Petition was affirmed 1/23/04. This Petition also fails to state a claim and is getting up the record. Therefore, it is dismissed.

10/14/05 N. Dept

Johnson, Paul

IN THE CIRCUIT COURT OF HoustON County  
Alabama

Douglas E. STEVENSON }

Petitioner }

- Vs- }

Case No: CC-02-0165-70

State of Alabama }

Respondant's }

**FILED**

JUL 20 2005

Reply and Rebutal to States  
Motion For Summary Disposition

*Judy Byrd*  
JUDY BYRD, CLERK  
HOUSTON CO., AL

Comes now the petitioner Douglas E. STEVENSON Pro se pursuant to the appropriate rule and authority herein respectfully files his Reply and Rebuttal to States Attorney Gary Maxwell's motion for Summary Disposition filed on Sept. 26, 2005. in the above referred case and will reply thereto as follows:

First off Petitioner wishes to bring to this Honorable Court's attention the key issue and the fact the Prosecuting Attorney is misinforming this Honorable Court by claiming that Petitioner has or had (3) prior Criminal Felony Conviction in and from the State of New Jersey - which is erroneous and false allegation, because the alleged prior which the Prosecuting Attorney in this Court used or referred to belong to a different person. that is the case of mistaken identity with a person who's name is David Thomas.

The only (3) priors the Petitioner admitted to during sen:

zancing in open Court are those he once had in the State of New York, which by the way were all misdemeanors, which were resolved by paying of fines, please see Petitioner's Criminal History as Exhibit -1- 7 pages.

Furthermore the Court Record and Court Transcript will clearly show that at no time during sentencing and Plaintiff's guilty plea did the Prosecuting Attorney ever mention in what State the Defendant had those prior conviction's, to further support Petitioner's claim The Honorable Judge Jackson himself plainly states the State never considered any conviction's of a David Thomas being attached to the Defendant" (Mc), please see Case Action Summary CC-2002-145 dated 5-9-05, date Judge mentioned 5-12-05 as Exhibit -2- (1 page),

Under the Code of Alabama 1975 Section 13-A-5-9 (c) (1) it is required that all prior convictions must be shown to Court. The Assistant D.A. during sentencing only verbalized Petitioner's three (3) prior's which are from the State of New York and those are only listed as misdemeanor's, to set the record straight, the Petitioner has never been arrested or convicted in the State of New Jersey for anything, see documented proof listed as petitioner's Exhibit -3- (2 page).

"2"

Therefore, the Prosecuting Attorney used false and erroneous information to cause this Honorable Court to unlawfully enhance Petitioner's sentence, proof of no Felony Prior Offenses contained is sufficient in the exhibit's to allow this Honorable Court to order an evidentiary hearing to allow the record's to be examined and considered, Petitioner can offer proof positive of his innocence regarding the "prior's" the Prosecuting Attorney is still using to justify his position.

The District Attorney was negligent in the original sentencing hearing by using false information to enhance Petitioner's Prison Sentence at issue here, Petitioner argues that the Prosecuting Attorney claim's are defective and erroneous all except in his 5<sup>th</sup> numbered paragraph because as mentioned above Petitioner has proof that he never had any Prior Felony Criminal Conviction's, Petitioner argues he should be given an opportunity to clear the record's in an evidentiary hearing.

The sentence Maximum by law for a Class "C" Felony is only Ten (10) years, the conviction for (15) years for a Class "C" Felony exceeds the maximum that the Petitioner could have received is only (10) years for a Class C Felony, the Law in the State of Alabama has been settled see John. Vs. State 724 So 2d 75 (Ala. Crim. App. 1993). Furthermore the Court's have long held that an illegal sentence is Jurisdictional and must be heard and addressed on the merit's.

The Court's Further held that there is no Bar on successive petition, Harrison Vs State 465 So. 2d 475 (Ala. 1984) and Trial Court errored in that the "D.A." did not show or prove petitioner has ever had any Prior Felonies.

Petitioner doesn't have any prior convictions from any State of the United States that could have been used to justify an enhancement, therefore the (15) Year Sentence for a Class "C" Felony Offense is illegal and must be vacated by law.

### Conclusion And Relief due by Law

1. The Petitioner humbly ask that this Court to enter a full order showing the document's of where Douglas E. Stevenson ever had or has prior conviction's. for an enhancement under the A.F.D.A act which is required by law.

2. The Judge to vacate the order dismissing and to place this cause on the Court Docket for an Evidentiary Hearing.

The Court is bound by law to withdraw the motion entered on September, 26, 2005 by the States Assistant District Attorney. and to set this matter for an Evidentiary Hearing.

: Wherefore it is so prayed

Respectfully Submitted

Douglas E. Stevenson  
Douglas E. STEVENSON

Subscribed and Sworn to on October 4...2005

Brian Haines  
Notary

my commission expires on 5-7-2006

In The Circuit Court, Houston County,

State of Alabama

**FILED**

Douglas Edward Stevenson  
Petitioner pro se

OCT 22 2005  
JUDY BYRD, CLERK  
HOUSTON CO., AL

-vs-

State of Alabama  
Respondent

Re: conviction and  
Rule 32 denial/  
case Nos. CC-2002-<sup>165</sup>~~165~~, 1166, 1168  
case Nos. CC-2002-1169-1170

**FILED**

NOV 07 2005

Judy Byrd  
JUDY BYRD, CLERK  
HOUSTON CO., AL

Notice of Appeal

And

Request Transcript Order

Comes now Douglas Edward Stevenson, Petitioner pro se pursuant to the appropriate Rule and authority herein respectfully gives Notice of Appeal in regards to this Honorable Court's Order dated October 11<sup>th</sup> 2005 dismissing Petitioner's latest Rule 32 in the above referred to conviction and cases and Petitioner request that it order it's clerk to prepare the necessary records for Petitioner's appeal.

It is so played Respectfully Submitted  
to under penalty of perjury on October 22, 2005

51 Douglas E. Stevenson

Douglas Edward Stevenson pro se  
Easterling Court - 7-B-  
4200 Wallace Drive, Clx, AL 36017

In The Circuit Court, Houston County  
State of Alabama

Douglas Edward Stevenson  
Petitioner pro se

- vs -

State of Alabama  
Respondent

Re: criminal convictions  
and Rule 32 appeal/  
cases Nos. CC-2002-1165, 1166, 1168  
cases Nos. CC-2002-1169 - 1170

Motion For leave to Appeal in Forma Pauperis

Comes now Petitioner Douglas Edward Stevenson pro se pursuant to the appropriate Rule and authority herein respectfully moves this Honorable Court for leave and permission to proceed on appeal in and as a pauper, as Petitioner is a pauper and has been given permission to file his Rule 32 being appealed, as a pauper and nothing has changed to effect his financial status and situation and Petitioner believes in good faith that his claims have merit

It is so prayed Respectfully Submitted  
to under penalty of perjury on October 23, 2007

s/ Douglas E. Stevenson

Douglas Edward Stevenson Attorney  
Easterling Co. P.O. 7-B

42 200 Wallace Drive, Chocoma, AL 36017



State of Alabama Unified Judicial System Form ARAP-26 (front) 8/91	<b>COURT OF CRIMINAL APPEALS DOCKETING STATEMENT</b>	Criminal Appeal Number 1168-1167-1170 <u>CC 02-165-1166-1167</u>
--	--	--

**A. GENERAL INFORMATION:**

☒ CIRCUIT COURT ☐ DISTRICT COURT ☐ JUVENILE COURT OF HOUSTON COUNTY

Douglas Edward STEVENSON pro se, Appellant

v. ☒ STATE OF ALABAMA ☐ MUNICIPALITY OF \_\_\_\_\_

Case Number <u>CC-02-165-1166 Thru 1170</u>	Date of Complaint or Indictment <u>9-15-05</u>	Date of Judgment/Sentence/Order <u>10-11-05</u>
Number of Days of Trial/Hearing <u>NONE</u> Days	Date of Notice of Appeal Oral: <u>10-20-05</u>	Written: <u>YES</u>
Indigent Status Requested: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Indigent Status Granted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**B. REPRESENTATION:**

Is Attorney Appointed or Retained? ☐ Appointed ☐ Retained. If no attorney, will appellant represent self? ☒ Yes ☐ No

Appellant's Attorney (Appellant if pro se) (Attach additional pages if necessary)  
Douglas Edward STEVENSON  
 Address 200 W 11th St DR. City CLIC State AL Zip Code 36017

**C. CODEFENDANTS:** List each CODEFENDANT and the codefendant's case number.

Codefendant	Case Number
Codefendant	Case Number
Codefendant	Case Number

**D. TYPE OF APPEAL:** Please check the applicable block.

1 ☒ State Conviction      4 ☐ Pretrial Order      7 ☐ Juvenile Transfer Order      10 ☐ Other (Specify) \_\_\_\_\_  
 2 ☐ Post-Conviction Remedy      5 ☐ Contempt Adjudication      8 ☐ Juvenile Delinquency \_\_\_\_\_  
 3 ☐ Probation Revocation      6 ☐ Municipal Conviction      9 ☐ Habeas Corpus Petition \_\_\_\_\_

**E. UNDERLYING CONVICTION/CHARGE:** Regardless of the type of appeal checked in Section D, please check the box beside each offense category for which the appellant has been convicted or charged as it relates to this appeal. Also include the applicable section of the Code of Alabama for State convictions.

1 ☐ Capital Offense - § \_\_\_\_\_      6 ☐ Trafficking in Drugs - § \_\_\_\_\_      11 ☒ Fraudulent Practices - § \_\_\_\_\_  
 2 ☐ Homicide - § \_\_\_\_\_      7 ☐ Theft - § \_\_\_\_\_      12 ☐ Offense Against Family - § \_\_\_\_\_  
 3 ☐ Assault - § \_\_\_\_\_      8 ☐ Damage or Intrusion to Property - § \_\_\_\_\_      13 ☐ Traffic - DUI - § \_\_\_\_\_  
 4 ☐ Kidnapping/Unlawful Imprisonment - § \_\_\_\_\_      9 ☐ Escape - § \_\_\_\_\_      14 ☐ Traffic - Other - § \_\_\_\_\_  
 5 ☐ Drug Possession - § \_\_\_\_\_      10 ☐ Weapons/Firearms - § \_\_\_\_\_      15 ☐ Miscellaneous (Specify): \_\_\_\_\_ - § \_\_\_\_\_

**F. DEATH PENALTY:**  
 Does this appeal involve a case where the death penalty has been imposed? ☐ Yes ☒ No

**G. TRANSCRIPT:**

1. Will the record on appeal have a reporter's transcript? ☐ Yes ☒ No

2. If the answer to question "1" is "Yes," state the date the Reporter's Transcript Order was filed. 2/21/06 (Date)

3. If the answer to question "1" is "No":  
 (a) Will a stipulation of facts be filed with the circuit clerk? ☐ Yes ☒ No  
 (b) Will the parties stipulate that only questions of law are involved and will the trial court certify the questions? ☐ Yes ☒ No

NOTE: If the appeal is from the district or juvenile court and the answer to question "1" is "No," then a positive response is required for question 3(a) or 3(b).

Form ARAP- 26 (back) 8/91

## COURT OF CRIMINAL APPEALS DOCKETING STATEMENT

H. POST-JUDGMENT MOTIONS: List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rules 20.3 and 24.4 (ARCrP)):

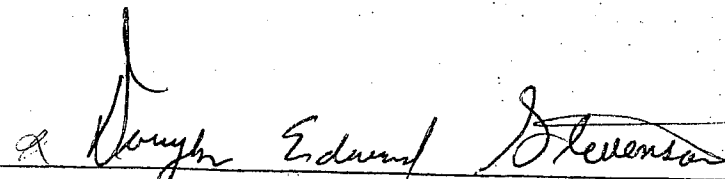
DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION		
Month	Day	Year		Month	Day	Year
9	15	05	RULE 32	9	27	05
			STATE'S MOTION TO DISMISS	9	27	05
			ORDER OF COURT	10	11	05
10	22	05	NOTICE OF APPEAL	10	26	05

I. NATURE OF THE CASE: Without argument, briefly summarize the facts of the case.

THIS IS AN APPEAL OF A RULE 32.

J. ISSUE(S) ON APPEAL: Briefly state the anticipated issues that will be presented on appeal. (Attach additional pages if necessary.)

TO BE DETERMINED UPON OBTAINING THE RECORD ON APPEAL



K. SIGNATURE:

11-3-05

Date

  
Signature of Attorney/ Party Filing this Form

State of Alabama Unified Judicial System Form ARAP-1C      8/91	<b>REPORTER'S TRANSCRIPT ORDER -- CRIMINAL</b> See Rules 10(c) and 11(b) of the Alabama Rules of Appellate Procedure (A.R. App.P.)	Criminal Appeal Number 1168, 1166 22 - 02-165, 1166
---	--	---

TO BE COMPLETED BY COUNSEL FOR THE APPELLANT OR BY THE APPELLANT IF NOT REPRESENTED AND FILED WITH THE WRITTEN NOTICE OF APPEAL OR FILED WITHIN 7 DAYS AFTER ORAL NOTICE OF APPEAL IS GIVEN.

☒ CIRCUIT COURT    ☐ DISTRICT COURT    ☐ JUVENILE COURT OF HOUSTON COUNTY  
Douglas Edward Stevenson pro se, Appellant  
 v. ☒ STATE OF ALABAMA    ☐ MUNICIPALITY OF \_\_\_\_\_

Case Number <u>22-165-1166, 1168, 1169</u>	Date of Judgment/Sentence/Order _____
Date of Notice of Appeal Oral: <u>10-22-05</u> Written: <u>465</u>	Indigent Status Granted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**PART 1. TO BE SIGNED IF THE APPEAL WILL NOT HAVE A COURT REPORTER'S TRANSCRIPT:**

I CERTIFY THAT NO REPORTER'S TRANSCRIPT IS EXPECTED AND THAT THE RECORD ON APPEAL SHALL CONSIST OF THE CLERK'S RECORD ONLY. IF THE APPEAL IS FROM DISTRICT COURT OR JUVENILE COURT, I ALSO CERTIFY (1) THAT A STIPULATION OF FACTS WILL BE INCLUDED IN THE CLERK'S RECORD AND THAT THE APPELLANT WAIVES HIS RIGHT TO A JURY TRIAL IF SO ENTITLED; OR (2) THAT THE PARTIES HAVE STIPULATED THAT ONLY QUESTIONS OF LAW ARE INVOLVED AND THAT THE QUESTIONS WILL BE CERTIFIED BY THE JUVENILE/DISTRICT COURT FOR INCLUSION IN THE CLERK'S RECORD (SEE RULE 28(A)(1), ALABAMA RULES OF JUVENILE PROCEDURE, AND §12-12-72, CODE OF ALABAMA 1975).

Douglas Edward Stevenson      11-3-05      Douglas Edward Stevenson  
 Signature      Date      Print or Type Name

**PART 2. DESIGNATION OF PROCEEDINGS TO BE TRANSCRIBED.** Request is hereby made to the court reporter(s) indicated below for a transcript of the following proceedings in the above referenced case (see Rule 10(c)(2), Alabama Rules of Appellate Procedure (A.R.App.P.)):

**MARK PROCEEDINGS REQUESTED:**

A. ☒ **TRIAL PROCEEDINGS** - Although this designation will include the judgment and sentence proceedings, a transcript of the organization of the jury and arguments of counsel must be designated separately.

B. ☐ **ORGANIZATION OF THE JURY** - This designation will include voir dire examination and challenges for cause. Note that in noncapital cases the voir dire of the jury will not be recorded unless the trial judge so directs. (See Rule 19.4, ARCrP.)

C. ☐ **ARGUMENTS OF COUNSEL** - Note that in noncapital cases the arguments of counsel will not be recorded unless the trial judge so directs. (See Rule 19.4, ARCrP.)

**COURT REPORTER(S)**

IN ADDITION TO ANY PROCEEDINGS DESIGNATED ABOVE, SPECIAL REQUEST IS HEREBY MADE TO INCLUDE THE FOLLOWING PROCEEDINGS IN THE REPORTER'S TRANSCRIPT PORTION OF THE RECORD ON APPEAL. (ATTACH ADDITIONAL PAGES IF NECESSARY):

ADDITIONAL PROCEEDINGS REQUESTED	DATE	COURT REPORTER(S)
D. _____	_____	_____
E. _____	_____	_____
F. _____	_____	_____
G. _____	_____	_____

**IMPORTANT NOTICE:** The court reporter who reported the proceedings for which a transcript is requested must be identified on this form to be effective. Additionally, it is important to note that the appellant may not be permitted to raise any issue on appeal relating to any proceedings in the case that are not specifically designated on this form for inclusion in the reporter's transcript. A general designation such as "all proceedings" is not sufficient. (See Rule 10(c)(2), A.R.App.P.)

**PART 3. MUST BE SIGNED IF THE APPEAL WILL HAVE A COURT REPORTER'S TRANSCRIPT:**

I CERTIFY THAT I HAVE DISTRIBUTED THIS FORM AS SET OUT BELOW. I ALSO CERTIFY (1) THAT I HAVE MADE SATISFACTORY FINANCIAL ARRANGEMENTS WITH EACH COURT REPORTER LISTED ABOVE FOR PREPARING HIS OR HER PORTION OF THE REPORTER'S TRANSCRIPT HEREIN REQUESTED; OR (2) THAT THE APPELLANT PROCEEDED AT TRIAL AS AN INDIGENT AND THAT THAT STATUS HAS NOT BEEN REVOKED; OR (3) THAT THE APPELLANT HAS BEEN GIVEN PERMISSION TO PROCEED ON APPEAL IN FORMA PAUPERIS.

Douglas E. Stevenson      11-3-05      Douglas E. Stevenson  
 Signature      Date      Print or Type Name

**DISTRIBUTION:** Original filed with Clerk of Trial Court and copies mailed to: (1) Clerk of the Court of Criminal Appeals, (2) the District Attorney, (3) the Attorney General or the municipal prosecutor in lieu of the District Attorney and the Attorney General if the appeal is from a municipal conviction, and (4) to each Court Reporter who reported proceedings designated for inclusion in the reporter's transcript

ACR371

ALABAMA JUDICIAL DATA CENTER  
 NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS  
 BY THE TRIAL COURT CLERK  
 IN THE CIRCUIT COURT OF HOUSTON COUNTY  
 STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD JUDGE: SIDNEY E. JACKSON

APPEAL DATE: 11/07/2005

## INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:

INDIGENT STATUS REVOKED ON APPEAL:

INDIGENT STATUS GRANTED ON APPEAL:

<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO

DEATH PENALTY: NO

APPEAL TYPE: RULE 32 PETITION

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION, WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 38/CC 2002 000165.62

ORDER ENTERED (DATE): 10112005 PETITION: DISMISSED ☒ DENIED ☐ GRANTED ☐

POST-JUDGMENT MOTIONS FILED:	DT FILED	DT DENIED	CON BY AGREE
<input type="checkbox"/> MOTION FOR NEW TRIAL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MOTION FOR JUDG. OF ACQUIT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MOTION TO W/D GUILTY PLEA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MOTION FOR ATTY TO W/DRAW	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> OTHER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COURT REPORTER(S):

ADDRESS:

APPELLATE COUNSEL #1:

ADDRESS:

PRO SE

PHONE NUMBER:

000-000-0000 , 00000

APPELLATE COUNSEL #2:

ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):

ADDRESS:

 STEVENSON DOUGLAS EDWARD 228063  
 200 WALLACE DR  
 CLIO , AL 360170000  
 228063

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED  
 ABOVE IS ACCURATE TO THE BEST OF MY  
 KNOWLEDGE AND I HAVE SERVED A COPY OF  
 THIS NOTICE OF APPEAL ON ALL PARTIES TO  
 THIS ACTION ON THIS 15th DAY OF Nov, 2005

 OPERATOR: RHM  
 PREPARED: 11/15/2005

CIRCUIT COURT CLERK

ACR371

ALABAMA JUDICIAL DATA CENTER  
 NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS  
 BY THE TRIAL COURT CLERK  
 IN THE CIRCUIT COURT OF HOUSTON COUNTY  
 STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD JUDGE: SIDNEY E. JACKSON

APPEAL DATE: 11/07/2005

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:

INDIGENT STATUS REVOKED ON APPEAL:

INDIGENT STATUS GRANTED ON APPEAL:

<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO

DEATH PENALTY: NO

APPEAL TYPE: RULE 32 PETITION

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION,  
 WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 38/CC 2002 001166.62

ORDER ENTERED (DATE): 10112005 PETITION: ☐ DISMISSED ☒ DENIED ☐ GRANTED

POST-JUDGMENT MOTIONS FILED:	DT FILED	DT DENIED	CON BY AGREE
<input type="checkbox"/> MOTION FOR NEW TRIAL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MOTION FOR JUDG. OF ACQUITT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MOTION TO W/D GUILTY PLEA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MOTION FOR ATTY TO W/DRAW	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> OTHER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COURT REPORTER(S):  
ADDRESS:APPELLATE COUNSEL #1:  
ADDRESS:

PRO SE

PHONE NUMBER:

000-000-0000 , 00000

APPELLATE COUNSEL #2:  
ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):  
ADDRESS:

STEVENSON DOUGLAS EDWARD 228063  
 200 WALLACE DR  
 CLIO , AL 360170000

AIS #:

APPELLEE (IF CITY APPEAL):  
ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED  
 ABOVE IS ACCURATE TO THE BEST OF MY  
 KNOWLEDGE AND I HAVE SERVED A COPY OF  
 THIS NOTICE OF APPEAL ON ALL PARTIES TO  
 THIS ACTION ON THIS 15<sup>th</sup> DAY OF NOV, 2005

OPERATOR: RHM  
 PREPARED: 11/15/2005

*Julie B. ...*  
 CIRCUIT COURT CLERK



ACR371

ALABAMA JUDICIAL DATA CENTER  
 NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS  
 BY THE TRIAL COURT CLERK  
 IN THE CIRCUIT COURT OF HOUSTON COUNTY  
 STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD JUDGE: SIDNEY E. JACKSON

APPEAL DATE: 11/07/2005

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:

INDIGENT STATUS REVOKED ON APPEAL:

INDIGENT STATUS GRANTED ON APPEAL:

<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO

DEATH PENALTY: NO

APPEAL TYPE: RULE 32 PETITION

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E. RULE 32 PETITION,  
 WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 38/CC 2002 001168.62

ORDER ENTERED (DATE): 10112005 PETITION: ☐ DISMISSED ☒ DENIED ☐ GRANTED

POST-JUDGMENT MOTIONS FILED:	DT FILED	DT DENIED	CON BY AGREE
<input type="checkbox"/> MOTION FOR NEW TRIAL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MOTION FOR JUDG. OF ACQUITT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MOTION TO W/D GUILTY PLEA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MOTION FOR ATTY TO W/DRAW	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> OTHER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COURT REPORTER(S):

ADDRESS:

APPELLATE COUNSEL #1:

ADDRESS:

PRO SE

PHONE NUMBER:

000-000-0000

00000

APPELLATE COUNSEL #2:

ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):

ADDRESS:

STEVENSON DOUGLAS EDWARD 228063  
 200 WALLACE DR  
 CLIO , AL 360170000

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED  
 ABOVE IS ACCURATE TO THE BEST OF MY  
 KNOWLEDGE AND I HAVE SERVED A COPY OF  
 THIS NOTICE OF APPEAL ON ALL PARTIES TO  
 THIS ACTION ON THIS 15th DAY OF NOV. 2005

OPERATOR: RHM  
 PREPARED: 11/15/2005

*Judy Bind*  
 CIRCUIT COURT CLERK

ACR371

ALABAMA JUDICIAL DATA CENTER  
 NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS  
 BY THE TRIAL COURT CLERK  
 IN THE CIRCUIT COURT OF HOUSTON COUNTY  
 STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD JUDGE: SIDNEY E. JACKSON

APPEAL DATE: 11/07/2005

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:

INDIGENT STATUS REVOKED ON APPEAL:

INDIGENT STATUS GRANTED ON APPEAL:

<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO

DEATH PENALTY: NO

APPEAL TYPE: RULE 32 PETITION

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E. RULE 32 PETITION,  
 WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 38/CC 2002 001169.62

ORDER ENTERED (DATE): 10112005 PETITION: DISMISSED X DENIED GRANTED

POST-JUDGMENT MOTIONS FILED:	DT FILED	DT DENIED	CON BY AGREE
<input type="checkbox"/> MOTION FOR NEW TRIAL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MOTION FOR JUDG. OF ACQUIT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MOTION TO W/D GUILTY PLEA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MOTION FOR ATTY TO W/DRAW	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> OTHER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COURT REPORTER(S):  
ADDRESS:APPELLATE COUNSEL #1:  
ADDRESS:

PRO SE

PHONE NUMBER:

000-000-0000

00000

APPELLATE COUNSEL #2:  
ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):  
ADDRESS:

STEVENSON DOUGLAS EDWARD 228063  
 200 WALLACE DR  
 CLIO, AL 360170000

AIS #:

APPELLEE (IF CITY APPEAL):  
ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED  
 ABOVE IS ACCURATE TO THE BEST OF MY  
 KNOWLEDGE AND I HAVE SERVED A COPY OF  
 THIS NOTICE OF APPEAL ON ALL PARTIES TO  
 THIS ACTION ON THIS 5th DAY OF NOV., 2005

OPERATOR: RHM  
 PREPARED: 11/15/2005

*Judy Bird*  
 CIRCUIT COURT CLERK

ACR371

ALABAMA JUDICIAL DATA CENTER  
 NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS  
 BY THE TRIAL COURT CLERK  
 IN THE CIRCUIT COURT OF HOUSTON COUNTY  
 STATE OF ALABAMA VS STEVENSON DOUGLAS EDWARD JUDGE: SIDNEY E. JACKSON

APPEAL DATE: 11/07/2005

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:

INDIGENT STATUS REVOKED ON APPEAL:

INDIGENT STATUS GRANTED ON APPEAL:

<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO

DEATH PENALTY: NO

APPEAL TYPE: RULE 32 PETITION

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION,  
 WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 38/CC 2002 001170.62

ORDER ENTERED (DATE): 10112005 PETITION: DISMISSED ☒ DENIED GRANTED

POST-JUDGMENT MOTIONS FILED:	DT FILED	DT DENIED	CON BY AGREE
<input type="checkbox"/> MOTION FOR NEW TRIAL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MOTION FOR JUDG. OF ACQUIT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MOTION TO W/D GUILTY PLEA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MOTION FOR ATTY TO W/DRAW	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> OTHER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COURT REPORTER(S):

ADDRESS:

APPELLATE COUNSEL #1:

ADDRESS:

PRO SE

PHONE NUMBER:

000-000-0000 , 00000

APPELLATE COUNSEL #2:

ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):

ADDRESS:

STEVENSON DOUGLAS EDWARD 228063  
 200 WALLACE DR  
 CLIO , AL 360170000

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED  
 ABOVE IS ACCURATE TO THE BEST OF MY  
 KNOWLEDGE AND I HAVE SERVED A COPY OF  
 THIS NOTICE OF APPEAL ON ALL PARTIES TO  
 THIS ACTION ON THIS 15<sup>th</sup> DAY OF NOV , 2005

OPERATOR: RHM  
 PREPARED: 11/15/2005

*Judy Bird*  
 CIRCUIT COURT CLERK



Houston County Circuit Court

P O Box 6406

Dothan, Alabama 36302

Ref: CR-05-0321

November 23, 2005

Dear Mr. Judy Byrd;

On 11-23-05 I received in the mail from the Court of Criminal Appeals. A Notice Stating that my Rule 32 case have been placed on docket. And I need to file my Brief. I come to you asking if you or staff would please send me my complete in court transcripts. So that I could proceed in this matter.

CC file  
D.E.S.

Douglas E. Stevenson

228063-7-B-99

Easterling corr. Facility

200 Wallace Drive

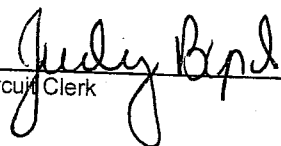
Cllo, Alabama 36017

**FILED**

NOV 30 2005

Judy Byrd  
JUDY BYRD, CLERK  
HOUSTON CO., AL

Respectfully Submitted  
Douglas E. Stevenson  
Pro Se.

State of Alabama Unified Judicial System  From ARAP - 14 Rev. 11 / 91	<b>CERTIFICATE OF COMPLETION AND TRANSMITTAL OF RECORD ON APPEAL BY TRIAL CLERK</b>	Appellate Case Number  
TO: THE CLERK OF THE COURT OF CRIMINAL APPEALS OF ALABAMA		DATE OF NOTICE OF APPEAL: 11/07/2005
APPELLANT DOUGLAS EDWARD STEVENSON		
v. STATE OF ALABAMA		
<p>I certify that I have this date completed and transmitted herewith to the appellate court the record on appeal by assembling in ( a single volume of <u>51</u> pages) ( _____ volumes of 200 pages each and one volume of _____ pages) the clerk's record and the reporter's transcript and that one copy each of the record on appeal has been served on the defendant and the Attorney General of the State of Alabama for the preparation of brief.</p> <p>I certify that a copy of this certificate has this date been served on counsel for each party to the appeal.</p> <p>DATED this <u>1ST</u> day of <u>DECEMBER</u>, <u>2005</u>.</p> <p style="text-align: right;"> Circuit Clerk</p>		

